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TRANSITION 2019

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Ministerial Transition 2019

Minister's Book and Corporate Book

October 2019

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LEGISLATIVE AUTHORITIES / DESIGNATIONS AND DELEGATIONS

OVERVIEW

To provide a breakdown of legislative authorities under the CBSA mandate that rest exclusively with the Minister of Public Safety and Emergency Preparedness (hereafter referred to as “the Minister”) or with the President of the CBSA.

BACKGROUND

While the CBSA administers more than 90 acts, regulations, and international agreements, many are on behalf of other federal departments and agencies, the provinces and the territories. Most of the day-to-day functions and duties found in the CBSA program legislation have been delegated and designated by the Minister and/or President of the Agency to the Vice-President level and below. The delegation and designation of ministerial and presidential legislative authorities is common practice across the Government of Canada, and includes cases where ministers share legislative responsibilities. The instruments are posted on the CBSA’s external website at: https://www.cbsa-asfc.gc.ca/agency-agence/actreg-loireg/legislation-eng.html#_s3a

A Delegations and Designations (D&D) Instrument is a document in which the Minister or the President either *delegate* to particular officials or classes of officials the various specific statutory powers, duties, and authorities expressly conferred on the Minister or the President, or *designate* which particular officials or classes of officials may exercise the various specific statutory powers, duties and authorities expressly conferred on officers. The CBSA D&D Instruments contain the vast majority of the Ministerial and Presidential legislative authorities. The D&D Instruments provide clarity as to who may perform the various functions set out in the legislation and therefore provide greater certainty that a decision or an authority is being exercised lawfully.

Some of the CBSA’s key pieces of legislation are the *Canada Border Services Agency Act* (CBSA Act), the *Customs Act*, the *Customs Tariff Act*, the *Immigration and Refugee Protection Act* (IRPA), the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* (PCMLTFA), and the *Special Import Measures Act*. An explanation of the authorities under these Acts follows in the section below. To fulfill its mandate, legislative authorities are enforced by Border Services Officers on the front-line.

CONSIDERATIONS

The Canada Border Services Agency Act

The *CBSA Act*, which establishes the Agency, came into force on December 12, 2003, and defines “program legislation” that the CBSA is responsible for administering and enforcing to more accurately capture the significance of the CBSA Act provisions. The table below highlights the differences between the Ministerial and Presidential responsibilities regarding the Agency under this Act.

Minister	President
6(1) Responsibility for the CBSA.	8(1) Authority for the control and management of the Agency and all matters connected with it, under the direction of the Minister.
	12 Provides that the Agency may exercise the powers, and shall perform the duties and functions, relating to the program legislation that are given to the Minister, subject to any directions given by the Minister and subject to any designations or delegations that may be applicable.
6(2) Authority to delegate to any person any power, duty or function conferred on the Minister under this Act or under the program legislation. *does not apply if an Act of Parliament, other than the <i>CBSA Act</i> , authorizes the Minister to delegate the power, duty or function. For example, IRPA includes a clause related to delegation of ministerial powers. As such, subsection 6(2) cannot be used – the specific clause of the <i>IRPA</i> must be cited instead. * also does not apply in respect of a power to make regulations, as per subsection 6(4).	9(1) Authority to delegate any power, duty or function for which the President is authorized to exercise or perform under the <i>CBSA Act</i> or under any other enactment.
	9(2) Authority to designate officers to perform various duties and functions under the <i>Customs Act</i> . *includes the authority to designate persons as inspectors, veterinary inspectors or other officers for the enforcement of any act or instrument made under that Act that the Minister, the Agency, the President or an employee of the Agency is authorized to enforce.

	9(3) Authority to exercise any power that the Minister has to designate officers under subsection 6(1) of the <i>Immigration and Refugee Protection Act</i> .
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The President approves most of CBSA's D&D Instruments, with the exception of the IRPA D&D Instrument. This is permitted by section 12 of the *CBSA Act*, wherein the President of the Agency is legally entitled to assume the powers granted to the Minister described in any of the acts that meet the definition of "program legislation"; this includes the Minister's authority to make D&D. The President is asked to approve the D&D to allow for more flexibility and to respond expeditiously to the ongoing operational requirements to designate new officers or officers with new designated duties.

The Customs Act

The *Customs Act* is one of the primary pieces of legislation that the CBSA administers and enforces. It deals mostly with the presentation of persons and reporting of goods upon their arrival in or departure from Canada. Among other things, it sets out the legislative authority to control the importation and exportation of goods. The *Customs Act* gives CBSA officers the authority to, for example, search persons, examine imported or exported goods, and detain or seize goods in cases of non-compliance.

Section 2 of the *Customs Act* is noteworthy because it deals with delegations. In particular, subsection 2(3) provides that the powers, duties, and functions of the President of the CBSA may be exercised or performed by any person authorized by the President. Subsection 2(4) allows the Minister to delegate any of the Minister's duties under the *Customs Act*, including judicial or quasi-judicial functions (e.g., according to section 131 of the *Customs Act*, the Minister has the authority to consider and weigh the circumstances of particular cases – such as the seizures of goods or conveyances – and decide whether the Act or the regulations were contravened). Section 9(2)(a) of the *CBSA Act* provides the President with the authority to designate officers for purposes of the *Customs Act*, and to specify which powers or duties such officers may exercise. These delegations and designations are captured in the *Customs Act* Instrument.

In total, there are **six non-delegated authorities of the Minister** under the *Customs Act*, as well as **three non-delegated authorities of the President** (see the table below). These are authorities are exercised infrequently and under specific circumstances.

Minister (authorities that are not delegated)	President (authorities that are not delegated)
<p>2(4) The Minister may authorize an officer or a class of officers to exercise powers or perform duties of the Minister, including any judicial or quasi-judicial powers or duties of the Minister, under this Act.</p>	<p>2(3) Any power, duty or function of the President under this Act may be exercised or performed by any person, or by any officer within a class of officers, authorized by the President to do so and, if so exercised or performed, is deemed to have been exercised or performed by the President.</p>
<p>11.6 (1) Authority to designate as a mixed-traffic corridor a portion of a roadway or other access way.</p> <p>(2) Authority to amend, cancel or reinstate at any time a designation made under this section.</p>	<p>68(1) In the case of an appeal to the Canadian International Trade Tribunal, the President may appeal to the Federal Court of Appeal on any question of law.</p>
<p>97.211(1)(b) The Minister of National Revenue is responsible for the administration of Part V.1 of the Act (“Collections”). In order to facilitate the administration of this part of the Act, the Minister of Public Safety and Emergency Preparedness may, in conjunction with the Minister of National Revenue, recommend that the Governor in Council authorize the Minister of National Revenue to exercise any other powers that are conferred under any provision of the Act (i.e. in addition to the powers already granted to the Minister of National revenue under Part V.1). Such an authorization would occur by Order in Council. To date, such an Order in Council has never been made.</p>	<p>70(1) Authority to refer to the Canadian International Trade Tribunal for its opinion any questions relating to the origin, tariff classification or value for duty of any goods or class of goods.</p>
<p>106(3) Where, in any action or judicial proceeding taken otherwise than under this Act, substantially the same facts are at issue as those that are at issue in an action or proceeding under this Act, the Minister may file a stay of proceedings with the body before whom that action or judicial proceeding is</p>	

taken, and thereupon the proceedings before that body are stayed pending final determination of the outcome of the action or proceeding under this Act.	
147.1(3) The Minister and the Canada Post Corporation may enter into an agreement in writing whereby the Minister authorizes the Corporation to collect, as agent of the Minister, duties in respect of mail and the Corporation agrees to collect the duties as agent of the Minister.	
164(1.1) The Governor in Council may, on the recommendation of the Minister, make regulations for the purpose of the uniform interpretation, application and administration of a chapter or provision of an agreement set out in column 1 (NAFTA, CCFTA, etc.)	

The Customs Tariff Act

The *Customs Tariff* is an Act concerning, amongst other things, the imposition of duties of customs and other charges, the International Convention on the Harmonized Commodity Description and Coding System, and the relief against the imposition of certain duties of customs or other charges. The ministerial authorities relating to this Act are all delegated below the Vice-President level except all authorities to make Regulations. Only subsection 68(3) is not delegated below the President.

68(3)	<p>The President of the Canada Border Services Agency may relieve goods from payment of a surtax on agricultural goods imposed by an order if the President is of the opinion that</p> <ul style="list-style-type: none"> (a) the goods were purchased for importation in the expectation in good faith that the surtax would not have applied to those goods; and (b) the goods were in transit to the purchaser in Canada.
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The Immigration and Refugee Protection Act and the Citizenship Act

The responsibility for the administration and enforcement of IRPA is mainly divided between the Minister of Public Safety and Emergency Preparedness and the Minister of Citizenship and Immigration (CIC). Each minister has sole responsibility for some aspects of IRPA, while the two ministers share responsibilities for other sections of the Act.

The Minister of Public Safety's specific responsibilities under section 4(2) of this Act relate to examinations at ports of entry; the enforcement of this Act, including arrest, detention and removal; the establishment of policies respecting the enforcement of this Act and inadmissibility on grounds of security, organized criminality or violating human or international rights; or declarations referred to in section 42.1.

Subsection 6(2) of the IRPA states: "Anything that may be done by the Minister under this Act may be done by a person that the **Minister authorizes in writing** without proof of the authenticity of the authorization" [emphasis added]. As such, the Minister must personally sign any instruments delegating his powers, duties or functions per subsection 6(2) of the IRPA. The President retains the authority to make all designations not falling under the ambit of subsection 6(2).

Almost all authorities within IRPA are delegated to officers below the Vice-President level. There are 80 items of delegations and designations approved by the Minister in relation to the IRPA, which are included in the CBSA IRPA D&D Instrument. The Minister may not, however, delegate the powers conferred by subsection 20.1(1) (irregular arrivals), or subsection 42.1(1) or (2) (Ministerial relief) or 77(1) (security certificates) of the Act. These authorities are infrequently used and only in specific circumstances.

The Minister of Citizenship and Immigration's is responsible for the administration of the *Citizenship Act*, including the responsibility for initiating proceedings to revoke an individual's citizenship. However, in some circumstances, the Minister of Public Safety may ask the Minister of Citizenship and Immigration to seek a declaration that an individual subject to revocation proceedings is inadmissible pursuant to one of section 34 (security grounds), 35 (violating international or human rights) or 37 (organized criminality) of the IRPA. The Minister of Public Safety has not delegated the authority to make such a request to the Minister of Citizenship and Immigration.

Such a declaration constitutes a removal order against the person under the IRPA; the removal order is a deportation order, and the CBSA would take the necessary steps to enforce the order. In this way, the CBSA would be responsible for the removal from Canada of an individual who had been stripped of citizenship under the *Citizenship Act*.

The Proceeds of Crime (Money Laundering) and Terrorist Financing Act

The principal objectives of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* (PCMLTFA) are to combat both the laundering of proceeds of crime and the financing of terrorist activities, and to establish the Financial Transactions and Reports Analysis Centre of Canada. Authorities within this Act are shared between the Minister, the President and the Minister of Finance. Most authorities are delegated below the Vice-President level, with the exception of the following:

Minister	President
<p>24.1(1) The Minister, or any officer delegated by the President for the purposes of this section, may, within 90 days after a seizure or an assessment of a penalty,</p> <p>(a) cancel the seizure, or cancel or refund the penalty, if the Minister is satisfied that there was no contravention; or</p> <p>(b) reduce the penalty or refund the excess amount of the penalty collected if there was a contravention but the Minister considers that there was an error with respect to the penalty assessed or collected, and that the penalty should be reduced.</p>	<p>Previous authorizations did not delegate presidential authorities under section 24.1(1) of the PCMLTFA (with respect to corrective measures). This omission was not a deliberate choice, but rather an oversight. Proposed amendments to the Presidential instrument (expected to be routed for approval in 2020) includes the delegation of the President's section 24.1(1) authority.</p>
<p>38(1) The Minister, with the consent of the Minister of Finance, may enter into an agreement or arrangement in writing with the government of a foreign state, or an institution or agency of that state, that has similar reporting requirements, whereby</p> <p>(a) information set out in reports in respect of currency or monetary instruments imported into Canada from that state will be provided to a department, institution or agency of that state that has powers and duties similar to those of the CBSA in respect of the reporting of currency or monetary instruments; and</p> <p>(b) information contained in reports in respect of currency or monetary instruments imported into that state from Canada will be provided to the CBSA.</p>	<p>Specifically delegated to the President</p>

<p>38.1 The Minister, with the consent of the Minister of Finance, may enter into an agreement or arrangement in writing with the government of a foreign state, or an institution or agency of that state, that has powers and duties similar to those of the Canada Border Services Agency, whereby the Canada Border Services Agency may, if it has reasonable grounds to suspect that the information would be relevant to investigating or prosecuting a money laundering offence or a terrorist activity financing offence, provide information set out in a report to that government, institution or agency.</p>	<p>Specifically delegated to the President</p>
<p>39(1) The Minister may authorize an officer or a class of officers to exercise powers or perform duties of the Minister, including any judicial or quasi-judicial powers or duties of the Minister, under this Part.</p>	<p>39(2) The President may authorize an officer or a class of officers to exercise powers or perform duties of the President under this Part.</p>

The Special Import Measures Act

The *Special Import Measures Act* (SIMA) is the primary legislation governing Canada's trade remedy system. Its objective is to provide for the application of duties to address situations where dumped and subsidized imports cause injury to domestic producers, and to help protect Canadian industry from these unfair trade practices. Authorities within this Act are shared between the Minister, the President, the Minister of Finance and the Minister for International Trade, specifically in the context of international treaties (e.g., the North American Free Trade Agreement). The vast majority of the authorities not involving international treaties belong to the President and the authorities he or she delegates remain at a high level (Vice-President, Director General, Director). Very few authorities are delegated at officer level. Three authorities belong to the Minister, and these were delegated to the President, as follows:

Minister	President
<p>Special rules to determine export price</p> <p>25(1) Where, in respect of goods sold to an importer in Canada,</p> <ul style="list-style-type: none"> ○ (e) in any cases not provided for by paragraphs (c) and (d), the price determined in such manner as the Minister specifies. 	<p>Authority delegated to the President</p>
<p>Normal value and export price where information not available</p> <p>29(1) Where, in the opinion of the President, sufficient information has not been furnished or is not available to enable the determination of normal value or export price as provided in sections 15 to 28, the normal value or export price, as the case may be, shall be determined in such manner as the Minister specifies.</p>	<p>Authority delegated to the President</p>
<p>Amount of subsidy</p> <p>30.4 (1) Subject to subsections (2) and (3), the amount of subsidy in relation to any goods shall be determined in the prescribed manner.</p> <p>Where no prescribed manner</p> <p>(2) Where no manner of determining an amount of subsidy has been prescribed or, in the opinion of the President, sufficient information has not been provided or is not otherwise available to enable the determination of the amount of subsidy in the prescribed manner, the amount of subsidy shall, subject to subsection (3), be determined in such manner as the Minister may specify.</p>	<p>Authority delegated to the President</p>

NEXT STEPS

The Agency has updated and amended some CBSA D&D Instruments in 2019. More updates are expected in 2020 to reflect the new organizational charts following the Functional Management Model under CBSA Renewal. Future briefings will be arranged as required.



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TRUSTED TRAVELLER PROGRAMS

CBSA's Trusted Traveller Programs are designed to simplify the border clearance process for pre-approved, low-risk travellers entering Canada. The overall objectives of these programs are to increase the efficiency of border processing; facilitate low-risk, pre-approved travellers into Canada; and to allow the CBSA to identify and focus on travellers of "unknown" or "higher" risk in specific modes of travel (land, air and marine).

Membership in CBSA's Trusted Traveller Programs may be revoked or suspended for failure to comply with the eligibility requirements of the programs. This includes non-compliance with customs and immigration legislation, or any other related laws the CBSA administers and enforces.

Depending on the severity of the violation, the CBSA can impose penalties and seize any goods or conveyances used to carry goods imported in contravention of the *Customs Act*. Individuals may also be subject to immigration enforcement action or criminal prosecution.

NEXUS

NEXUS is a bilateral program for pre-approved, low-risk travellers entering Canada or the United States (U.S.) at designated air, land and marine ports of entry. NEXUS members can enter either country quickly and easily by using automated self-serve kiosks in airports, dedicated lanes at land border crossings, and by calling Telephone Reporting Centres (TRCs) before they arrive if they are travelling by boat or general aviation. In 2018-19, there were 1.78 million members enrolled in the program.

NEXUS members must be 18 years of age to apply to the program and meet specific criteria in order to be eligible and enrolled in the program. This includes:

- citizenship or permanent residence status in Canada or the U.S., or be a Mexican citizen with valid standing in the Viajero Confiable (trusted traveller) program;
- proof of legal residence in Canada or the U.S. for a minimum of three years before the date of application (for permanent residents). An exemption to this requirement may be granted under certain conditions;
- meeting thresholds for admissibility to Canada and the U.S. under applicable domestic immigration laws;
- passing background security checks conducted by Canada and the U.S.; and
- meeting any and all other program requirements.

Applications are processed through the U.S. Customs and Border Protection's Trusted Traveller Programs System, and individuals pay a \$50 USD application fee. Applicants who pass the initial security check will be interviewed at a joint Canada-U.S. NEXUS enrolment centre, and their photograph, fingerprints and iris scan will be taken. The application process normally takes

six to eight weeks to complete and once issued, the NEXUS identification card is valid for five years.

CANPASS

CANPASS Corporate Aircraft and CANPASS Private Aircraft are two of CBSA's Trusted Traveller Programs that allow access to more airports and provide expedited clearances for up to 15 low-risk, pre-screened travellers on flights directly to Canada from the U.S. These programs allow for travellers to report to the CBSA by telephone before arriving in Canada. Although CANPASS Corporate Aircraft membership cannot be applied to chartered flights, the program applies to members of corporations who use a rented or leased aircraft instead of owning one.

To be eligible for CANPASS, individuals must:

- be a citizen or permanent resident of Canada or the U.S. and have lived in Canada and/or the U.S. continuously for the last three years;
- be admissible to Canada under applicable immigration laws;
- have provided true and accurate information on the application;
- have not been convicted of a criminal offence for which a pardon or rehabilitation has not been granted;
- have not had a customs seizure within the past six years;
- not be in violation of any customs or immigration legislation; and
- demonstrate a work-based relationship with the corporation (CANPASS Corporate Aircraft only).

In 2018-19, there were 12,610 members enrolled in CANPASS air programs.



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TRAVELLER PRECLEARANCE

The recent coming into force of the *Preclearance Act, 2016* (PCA 2016) enables the expansion of preclearance of travellers and goods between Canada and the United States (U.S.). This legislative framework provides new authorities to expand preclearance operations to all modes (land, air, rail and marine), allowing for opportunities for Canada to establish preclearance operations in the U.S. The foundational Agreement on *Land, Rail, Marine and Air Transport Preclearance* (LRMA) was also ratified and brought into force concurrent with the PCA 2016 on August 15, 2019.

The objective of preclearance is to improve and expedite the flow of legitimate trade and travel while continuing to ensure border security and integrity, as Canada and the U.S. have some of the highest levels of cross-border trade and travel in the world. Preclearance is an important activity to the economic prosperity of both countries as free and open trade generates jobs, growth and long-term prosperity.

In Canada-U.S. preclearance operations, border officers from the “inspecting country” carry out customs and immigration inspections in the “host country” before allowing goods or people to physically cross the border. For instance, in the rail mode, this could involve pre-clearing passengers and their luggage in Canada before passengers leave the train station, thereby avoiding a stop at the Canada-U.S. border.

The CBSA has almost completed its training of U.S. officers, who will be conducting preclearance procedures in Canada in designated preclearance sites (eight international airports). New officers will also receive the training as they onboard to the program.

Under the PCA 2016, U.S. preclearance officers are granted the authorities necessary to exercise the powers and perform the duties and functions related to U.S. immigration, customs, agriculture and public health or safety legislation to determine whether a traveller or goods bound for the U.S. are admissible. Further, U.S. preclearance officers are authorized to be armed and carry the defensive equipment CBSA officers carry in the same working environment under the same conditions. The key differing authorities between U.S. officers and CBSA officers are:

- U.S. preclearance officers have the authority to detain a traveller and a good, but does not have the authority to arrest an individual or conduct an investigation.
- U.S. preclearance officers may conduct a personal search in the preclearance area, but only if the CBSA first declines to conduct it, or is unable to attend to perform the search.
- The authorities of a U.S. preclearance officer are limited to a specific area within facilities referred to as designated preclearance area. Within a broader preclearance perimeter, their authorities are further reduced (e.g., no authority to perform a personal search or detain an individual).

While preclearance officers have civil immunity under the PCA 2016, they do not have immunity for criminal liability. Generally speaking, the Inspecting Party/Country has primary criminal jurisdiction over preclearance officers for acts committed in the performance of the officer's official duties, while the Host Party/Country would exercise primary criminal jurisdiction over acts committed by preclearance officers when they are off duty. The Party exercising primary criminal jurisdiction has sole decision making authority over how to address any allegations of criminality, including whether or not to prosecute.

Border clearance facilities at Canadian and U.S. land ports of entry are owned by each respective government, while those in other modes (air, rail and marine) are provided by third parties (airport authorities, marine terminal operators, etc.). As such, Canadian preclearance in these modes would be a market-driven initiative.

Currently, the CBSA is assessing options for preclearance pilot projects in the traveller mode.



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TRUSTED TRADER PROGRAMS

The CBSA's Trusted Trader Programs, which are administered by Canada alone, are designed to facilitate the movement of legitimate goods by providing streamlined and efficient border processes for pre-approved, low risk traders. This allows the Agency to focus resources on areas of higher or unknown risk while minimizing the impact of border processing on trusted program members.

Partners in Protection (PIP)

Partners in Protection (PIP) is a cooperative program between private industry and the CBSA aimed at enhancing border and trade chain security. This voluntary program has no membership fee and is designed to streamline and make border processes more efficient for low-risk, pre-approved businesses recognized as trusted traders. Members must abide by the roles and responsibilities outlined in the (PIP) Terms and Conditions of membership. In return, the CBSA assesses the company's physical, infrastructural, and procedural security, and recommends necessary improvements. This enhances the integrity of the company's production, transportation, importation and/or exportation processes.

Customs Self Assessment (CSA)

The Customs Self Assessment (CSA) program is designed for low-risk, pre-approved importers, carriers and registered drivers. To take advantage of the program, CSA-approved importers and carriers must use a registered driver to carry CSA-eligible goods into Canada in the highway mode.

The CSA program simplifies many of the import border requirements so that low-risk shipments can be processed more quickly and efficiently, saving businesses time and money. It also allows the CBSA to better focus its resources on identifying high-risk shipments that pose a potential threat to the health, safety or economic well-being of Canadians.

Trusted Trader membership accounts for 34% of the total Value For Duty of commercial imports into Canada. In 2018-19, there were approximately 2,600 Trusted Trader members.



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CARGO PRECLEARANCE

In support of the Government of Canada's commitment to facilitate of trade, the CBSA is developing a strategic plan for cargo preclearance operations in the United States (U.S.), commencing with implementing cargo preclearance proof of concept operations. Cargo preclearance represents a transformative opportunity to implement innovative and cost-effective methods to increase the efficiency and security of the Canada-U.S. border. Cargo preclearance aims to expedite service by allowing the Agency to make release/referral decisions on foreign soil resulting in improved predictability, time savings and less disruptions for industry.

The ratification of the *Canada-United States Agreement on Land, Rail, Marine, and Air Preclearance* (LRMA) and the coming into force of the *Preclearance Act, 2016* (PCA, 2016) in August 2019 provided a new legal framework for Canada to conduct preclearance in the U.S. Although the LRMA provides the U.S. with the ability to implement cargo preclearance in Canada, it has not yet been established by the U.S. in Canada.

The CBSA has undertaken a modal analysis to determine which modes would be operationally suitable for cargo preclearance proofs of concept. The CBSA has committed to initiate proofs of concept that will allow for an evidence-based assessment of the best approach for future permanent cargo preclearance operations. Cargo operations at key locations in the U.S. will test operating procedures, infrastructure and logistics, while also assessing the impacts and benefits to stakeholders and the CBSA in a real-world context.

The implementation of cargo preclearance relies heavily on ongoing stakeholder input to identify opportunities which maximize economic, process, compliance, infrastructure and security outcomes. Stakeholders have been very supportive of the concept and have shown great interest in participating in the proofs of concept. Consultation with private industry and various government jurisdictions (local, state, provincial, regional, etc.) is ongoing and necessary to evaluate specific transport modes and site locations where cargo preclearance may provide benefits.

The CBSA will continue to lead, on behalf of the Government of Canada, the development of possible courier and rail proof of concept operations in the U.S. and industry stakeholders.



ANTI-DUMPING AND COUNTERVAILING

The *Special Import Measures Act* (SIMA) reflects Canada's implementation of the World Trade Organization's (WTO) *Agreement on the implementation of Article VI of the General Agreement on Tariffs and Trade 1994* (the Anti-Dumping Agreement) and the *Agreement on Subsidies and Countervailing Measures*. The legislation was enacted to help protect Canadian industries from material injury caused by the dumping and subsidizing of imported goods. The CBSA and the Canadian International Trade Tribunal (CITT) are jointly responsible for administering the SIMA.

Dumping occurs when goods are sold to importers in Canada at prices that are lower than the selling price of comparable goods in the country of export, or when goods are sold in Canada at unprofitable prices with which the Canadian domestic industry cannot compete. The amount of dumping on imported goods may be offset by the application of "anti-dumping" duty.

Subsidizing occurs when goods imported into Canada benefit from foreign government financial assistance. Some examples of subsidies include tax incentives, grants or loans at preferential rates. The amount of subsidizing on imported goods may be offset by the application of "countervailing" duty.

A critical factor is whether the dumped or subsidized imports are causing, or threatening to cause, injury to the Canadian industry. Injury may be demonstrated through reduced prices, lost sales or market shares, decrease profits, or other such impacts.

The Process

A Canadian producer, or association of producers, of goods that are identical or similar to the competing imports can file a written complaint with the CBSA if it suspects that the imported goods are being dumped or subsidized and are causing injury to Canadian industry. The CBSA will evaluate the complaint and may start a formal investigation to determine whether the goods imported into Canada are dumped or subsidized.

If the CBSA determines that an investigation should be started, the Agency will begin collecting detailed information from exporters, importers, and, in subsidy investigations, the foreign government involved.

Following the decision to start an investigation, the CBSA sends a copy of the complaint to the CITT. The CITT, independent from the CBSA, assumes the responsibility for the question of injury to the Canadian industry and conducts an inquiry into this question. The CITT holds public hearings where interested parties are allowed to present their arguments and question witnesses. Interested parties generally include Canadian producers and importers, as well as foreign exporters.

The process takes approximately seven months from when the CBSA starts an investigation until the CITT makes a final decision on the injury matter. The CBSA's investigation and the CITT's inquiry are conducted separately but both are carried out during the same time period.

A positive injury decision by the CITT provides the authority for the CBSA to impose anti-dumping or countervailing duty on dumped or subsidized imports. These duties are generally imposed for a period of at least five years. The duties offset the price advantage caused by dumping or subsidizing and give Canadian industry an opportunity to compete fairly with the imported goods.

Non-Market Economy Situations

The SIMA provides measures to address situations where an investigation is initiated on goods produced or exported from a country where domestic prices are determined by the government, and there is sufficient reason to believe that they are not substantially the same as they would be if they were determined in a competitive market.

In such cases, a different methodology will be used to determine the normal values of the goods originating in or exported from that country. As prescribed in SIMA, this may involve the determination of "normal values" using prices and costs of like goods in a third country (e.g., a "surrogate" country), or a determination made on the best information available.



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SUPPLY MANAGED GOODS

Canada's supply management system is designed to manage supply and demand in the agriculture sector while providing farmers with a fair return on investment. The system is made up of three pillars: production management; pricing mechanism (not government regulated); and predictable imports. This assists Canadian producers in managing their production and remaining economically competitive. The CBSA supports a number of federal partners in administering the supply management regime in Canada.

Finance Canada has policy responsibility for the *Customs Tariff Act*, which the CBSA administers on its behalf. Global Affairs Canada is responsible for allocating import quota to companies, and issuing import permits based on the tariff classification of specific goods. The Canadian Food Inspection Agency is responsible for the safety and composition of imported and domestically produced food products.

In administering the *Customs Tariff Act*, the CBSA collects the duties and taxes owing to the Crown, and ensures that the appropriate permits are submitted with importations, where required. This is generally not done at the border, but rather, is managed through post-entry verification and trade compliance programs.

The Duties Relief and Drawback Programs administered by the CBSA improve the competitiveness of Canadian businesses by providing relief from the payment of duties on legally imported goods that are subsequently exported. In recent years, however, issues have been identified with respect to agricultural supply managed goods (dairy, poultry and eggs), an industry sector for which these programs were never specifically designed to provide relief.

Canada's agricultural supply managed goods industry, including the Chicken Farmers of Canada and the Dairy Farmers of Canada, have longstanding concerns around the potential circumvention of Canada's supply management regime, and its potential to negatively impact farmers and processors.

The CBSA will continue to administer those aspects of the supply management regime for which it is responsible through initiatives such as regular and robust risk-managed compliance verifications.



UNCLASSIFIED

DETECTOR DOG SERVICE PROGRAM

The CBSA uses a multitude of detection technologies to prevent contraband and prohibited or restricted goods from entering Canada and, its Detector Dog Service (DDS) Program has been a cornerstone of Canada's interdiction efforts for over 40 years.

Canada Customs first began using detector dogs in 1978 to assist frontline officers with a more effective method of detecting drugs and firearms.

Currency detector dogs were added in 2003, helping Border Services Officers (BSOs) in the enforcement of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*. In 2005, the DDS Program expanded to include food, plant and animal detector dog teams from the Canadian Food Inspection Agency (CFIA).

The DDS Program is an important tool in detecting, and interdicting, prohibited and regulated drugs, guns, money, and food, plant and animal products. DDS teams are strategically located at ports of entry across Canada, serving both traveller and commercial operations in all modes of travel including air, highway, marine, rail and in postal and courier centers.

Dogs have one of the most acute senses of smell of any creature in the animal world. This allows them to detect the presence of prohibited or regulated substances and pinpoint their locations. DDS teams are the ideal tool for screening people and goods in a timely fashion and in the least intrusive manner. DDS teams support the CBSA's frontline operations by assisting BSOs with labour intensive secondary examinations. In some circumstances, DDS teams also help other law enforcement agencies with search warrants for drugs, guns and money.

The CBSA employs service dogs to detect drugs, guns and currency, as well as, food, plant and animal products. DDS teams undergo intensive training at the CBSA College in Rigaud, Québec. Service dogs live with their handlers and work for eight to ten years before retiring. The Agency also trains dogs from Correctional Service Canada (CSC) and many other domestic and international policing agencies worldwide.

The CBSA has 70 DDS teams, six of which were recently added to address the threat of African swine fever at the border. The six new teams are the first phase of a complement of 24 new food, plant and animal detector dog teams to be deployed over the next two years. Their goal is to increase enforcement on undeclared food, plant and animal imports to help ensure that African swine fever does not enter Canada.

While DDS teams are involved in thousands of interceptions annually, they also provide public demonstrations at schools and community service groups. The active presence of DDS teams in communities across Canada helps build the CBSA brand while informing the public of the CBSA's role as a law-enforcement agency.



NATIONAL SECURITY SCREENING

The CBSA's National Security Screening (NSS) Program contributes to the safety and security of Canada by identifying foreign nationals seeking entry into Canada who represent a risk. In working with domestic and international partners, at home and through Canadian missions abroad, the CBSA helps to identify persons who may be inadmissible to Canada under the *Immigration and Refugee Protection Act* (IRPA) for a variety of reasons including, but not limited to: security violations under section 34 of the IRPA (espionage, subversion, terrorism, membership, acts of violence); human or international rights violations under section 35 of the IRPA (war crimes, crimes against humanity); and organized criminality under section 37 of the IRPA (organized criminal activity, transnational crime).

Under the NSS Program, the CBSA is responsible for screening temporary and permanent resident applicants, including refugees from abroad selected for resettlement by Immigration, Refugees and Citizenship Canada. Security screening applications are referred to the CBSA on the basis of established indicators which are mutually agreed upon by security partners. The CBSA also conducts mandatory national security screening on all adult in-Canada asylum claimants, and those who present themselves at a Canadian port of entry (POE).

The national security screening process includes the collection and analysis of information from a variety of partners and sources, including open-source and classified systems, relating to a foreign national's admissibility to Canada.

For individuals claiming asylum at POEs, the CBSA conducts a series of processes using biographic and biometric information to assess the admissibility of persons at the port of entry. This process includes criminality checks within Canadian Police Information Centre (CPIC) and National Crime Information Centre (NCIC – FBI) databases based on: biographic and biometric records checks, known admissibility issues that exist in Canadian immigration and customs databases, the sharing of biometric information with international partners, as well as, an interview and examination of refugee claim documentation, which may also identify inadmissibility issues.



NATIONAL IMMIGRATION DETENTION FRAMEWORK

Immigration detention for inadmissible foreign nationals is a measure of last resort and used only in limited circumstances, such as where there are serious concerns about a danger to the public, where an individual is considered to be a flight risk or where their identity is under question. Immigration detention is not punitive. It is exercised to ensure the integrity of the immigration system and public safety. Officers must always consider alternatives to detention first.

In provinces where there are no CBSA Immigration Holding Centres (IHCs) and/or the person presents a higher risk profile or is a public security risk, the CBSA relies on the use of provincial correctional facilities. On average, there are 300 to 350 individuals detained under the *Immigration and Refugee Protection Act* (IRPA) at any given time. These make up approximately 0.02% of travellers to Canada per year.

Through the National Immigration Detention Framework (NIDF) that the CBSA developed in 2016, the Agency is addressing long-standing challenges in immigration detention that will lead to a more humane, dignified, and risk-based detention process.

The NIDF is intended to improve detention infrastructure across the country. Its objective was to reduce the use of provincial correctional facilities for the holding of immigration detainees by introducing national policies around detention placement, introducing an expanded suite of Alternatives to detention (ATD) to support the release of individuals from detention, and by introducing national policies and standards to allow Canada to meet its international commitments.

ATDs may include release on reporting conditions, including performance bond; cash deposit; establishment of a bondsperson; or, acceptance into a community supervision program. An expanded ATD Framework was launched on June 22, 2018, and includes national Community Case Management and Supervision, Voice Reporting and, in the Greater Toronto Area (GTA), electronic monitoring through the use of ankle bracelets. Since the expanded ATD framework launch, there has been 7,950 persons who were enrolled in an ATD program.

Under the NIDF, the CBSA has made significant investments including: two new infrastructure projects to replace IHCs in British Columbia and Quebec, and a retrofit of the existing IHC in the GTA; reducing the number of long term detainees; reducing the use of provincial facilities; expanding the alternatives to detention programs; supporting medical and mental health care for detainees, and reducing the number of minors in detention.

To ensure transparency of its operations, the CBSA has undertaken a number of consultations since the NIDF was announced in 2016. These consultations have helped the CBSA develop new policies, as well as refine program and IHCs facility design.

The CBSA remains engaged in regular dialogue in relation to the NIDF and the detention program with key stakeholders, including the Canadian Red Cross (provides independent reporting of detention conditions), the United Nations High Commission for Refugees, and the Canadian Council for Refugees.



UNCLASSIFIED

REMOVALS

The timely removal of individuals who have been found to be inadmissible to Canada under the *Immigration and Refugee Protection Act* (IRPA) plays a critical role in supporting Canada's immigration system and contributes to the Government of Canada's security and public safety priorities.

The IRPA specifies that individuals may be inadmissible for any of the following reasons: security; international human rights violations; criminality; organized crime; risk to the health of Canadians or excessive demand on health services; misrepresentation; inability to financially support themselves or their dependents; and non-compliance with the legislation (e.g., overstaying the time permitted in Canada).

Under the IRPA, the CBSA is required to remove persons with an enforceable removal order (including failed refugee claimants) as soon as possible. In keeping with its mandate, the CBSA prioritizes removals of persons inadmissible to Canada on safety or security grounds, along with irregular arrivals and failed irregular arrival refugee claimants.

The CBSA has had an active removals program for many years; however, due to the recent influx of refugee claims, the Agency is facing pressure in this area. Approximately 60 percent of all impediments to removal are due to a lack of travel documents. Recalcitrant countries who impose restrictive administrative protocols or impede the issuance of necessary removal travel documents represent a significant challenge to the CBSA's ability to achieve its mandate.

A significant amount of work has been done to address the challenges that impede the timely and cost-effective removal of inadmissible foreign nationals. In 2018-19, the CBSA removed over 9,600 individuals from Canada. To achieve this, the CBSA centralized its functional management of this program; increased interoperability with Immigration, Refugees and Citizenship Canada to obtain needed results in a timely manner; and improved data integrity to better manage higher priority cases and those who were removal ready.



UNCLASSIFIED

OPIOIDS

The opioid crisis continues to pose a serious threat to the safety and security of Canadians. The growing number of opioid-related overdoses and deaths is a national public health crisis. The CBSA is a major contributor to the government's efforts to stem the illicit flow of fentanyl, and its related substances, at the border.

In response to the opioid crisis, a comprehensive, whole-of-government approach led by Health Canada is being taken to address the issue. Some of the key steps taken by the CBSA to combat the crisis include:

- implementing legislative amendments to the *Customs Act* and other related acts to better equip both health and law enforcement officials to reduce the harm associated with drug and substance use in Canada;
- working with domestic and international partners to identify new tools, technologies, health and safety equipment, controls and procedures to enhance the screening capabilities;
- providing employees with enhanced personal protective equipment and updating the procedures for handling highly toxic substances;
- participating in the Organized Crime Joint Operations Centre whose objective is to detect, disrupt, and dismantle criminal networks and help keep illegal fentanyl out of Canada;
- training detector dogs on fentanyl scent and deploying them to the field;
- implementing Designated Safe Examination Areas (after successful pilots) in certain air cargo courier and postal facilities, as well as at high risk/volume ports of entry to allow for the safe and efficient examination of goods suspected to contain toxic substances; and
- launching a Designated Safe Sampling Area pilot to allow for on-site testing and analysis of suspected highly toxic substances.

In March 2019, regulatory amendments came into effect to allow certain law enforcement agencies, including the CBSA, to interdict precursor chemicals from being imported into Canada and then used to make fentanyl and amphetamines, such as methamphetamine and ecstasy. Controlling these chemicals will help to reduce the contamination of the illegal drug supply with highly toxic substances, ultimately helping to save lives.

The Agency continues its efforts to combat the smuggling of toxic substances and decrease the risk of harmful opioids going undetected and entering Canada. In 2017-18, there were 386 opioid and opioid-related seizures made by the CBSA at the border.



FIREARMS AND ORGANIZED CRIME

Federal, provincial and territorial collaboration is taking place across Canada to support community-level prevention and enforcement efforts; build and leverage unique federal expertise and resources to advance intelligence related to the illegal trafficking of firearms; and invest in border security to interdict illicit goods including guns and drugs.

Firearms and weapons are high-risk commodities and their interdiction is a CBSA enforcement priority. CBSA officers are the first line of defence in protecting Canadians from illegal weapons and other contraband. The CBSA works closely with both its domestic and international law enforcement partners to ensure the protection and safety of Canadians.

The CBSA is responsible for enforcing existing firearms laws at the border and protects Canadians by ensuring that import laws are respected. Its officers are responsible for ensuring that travellers and goods entering Canada comply with the various laws that prohibit, control or regulate the importation of goods into Canada.

The CBSA has undertaken a number of key activities to combat gun and gang violence. These activities include enhancing air cargo security, deploying more detector dog teams, increasing detection for illicit guns in international postal centres, automating CBSA's Interpol interface, and designing a national training program for vehicle examination.

The CBSA is also investing in an all-weather detector dog training facility, deploying new dog teams at key highway crossings, expanding x-ray technology at postal centres and air cargo facilities, and providing training on the detection of concealed goods in vehicles crossing our borders.

In 2018-19, the increase in law enforcement support, intelligence-sharing, and interdictions of smuggled firearms led to an increase in firearm seizures, totalling 696 seizures of firearms by the CBSA, an increase of over 22% from the overall number of firearms seizures in 2011-12. In November 2018, the Government announced \$51.5M over five years for investments in an all-weather detector dog training facility, new dog teams at key highway crossings, expanded x-ray technology at postal centers and air cargo facilities, and enhanced training on the detection of concealed goods in vehicles crossing Canada's borders.

Going forward, the CBSA will continue to roll out its key activities to support the Government of Canada's commitment to help reduce gun and gang violence in Canada.



IRREGULAR MIGRATION

Border security and integrity is a shared mandate between the CBSA and the Royal Canadian Mounted Police (RCMP). The CBSA is responsible for enforcement at designated ports of entry (POEs) in Canada, while the RCMP is responsible for enforcement between POEs. Likewise, preserving the integrity of the immigration system is a shared mandate between the CBSA and Immigration, Refugees and Citizenship Canada (IRCC). Together, the CBSA and IRCC administer the *Immigration and Refugee Protection Act* (IRPA), which governs both the admissibility of people into Canada, and the identification, detention and removal of those deemed to be inadmissible under the Act.

Individuals seeking entry into Canada may make an asylum claim at any designated CBSA POE or inland, at an IRCC office, regardless of whether they entered at a designated POE or not. When individuals enter Canada and make an asylum claim in-land, rather than at the POE, they are considered to have migrated “irregularly”.

While Canada is not the only country experiencing a surge in asylum claims over the past few years, its asylum system has faced unprecedented pressures. In 2017, Canada received a historic high of over 50,000 refugee claims, with 55% of claims being made by individuals who crossed into Canada in between POEs. In 2018, this increased to over 55,000 claims, with over 19,000 claimants entering irregularly between ports of entry. While the volumes of irregular migrants remained high in 2018, 60% of all asylum claims were made at POEs. This trend has remained steady in 2019.

Through the Border Enforcement Strategy announced in Budget 2019, a whole-of-government approach is being taken to:

- detect and discourage the misuse of Canada’s visa system by preventing travel to Canada by individuals who may not be legitimate temporary visa applicants;
- better manage arrivals at the border while ensuring the safety of Canadians through increased resources and the maintenance of contingency plans in the event of an influx of asylum seekers; and
- provide strategic investments to the Immigration Refugee Board and the CBSA so that asylum claims are processed faster, and by prioritizing the removal of individuals found not to be in genuine need of Canada’s protection.

Individuals claiming asylum in Canada have the right to due process under the law, and their claims are assessed on a case-by-case basis.



UNCLASSIFIED

ENVIRONMENTAL SUSTAINABILITY

The CBSA is currently updating its Departmental Sustainable Development Strategy (DSDS) to align with the environmental goals outlined in the 2019-22 Federal Sustainable Development Strategy (FSDS). The DSDS will act as a guiding document for the CBSA's sustainability endeavours with respect to energy efficiency, climate change adaptation and greenhouse gas emissions reduction, environmental compliance programming, and border enforcement measures to prevent invasive species from entering the country.

A key component of both the FSDS and the DSDS is the target to reduce greenhouse gas emissions from 2005-06 levels by 40% by 2030, and by 80% by 2050.

As reported in the CBSA's 2018-19 Departmental Results Report, the Agency has made some progress overall on its environmental sustainability measures.

The CBSA fleet consists of 1,050 motor vehicles and accounts for 30% of the Agency's total greenhouse gas emissions. The Agency has replaced 43 of its vehicles with hybrid electric models over the past two years, which has resulted in an 8.3% reduction in fleet emissions over the same period. It should be noted that the CBSA has replaced all general administration vehicles within the fleet with hybrid electric versions in the past two years, surpassing the Treasury Board requirement of 75% fleet replacement for general administration vehicles.

While this reduction has been offset by an overall 12% increase in emissions emanating from CBSA facilities as a result of increased volumes at the border, the CBSA was nonetheless able to concurrently reduce the emissions intensity per square metre at its facilities by 29.9% through energy efficiency measures.

The CBSA is committed to meeting the challenges of the green economy and will continue efforts to reduce its environmental footprint.



SECRET

BREXIT IMPLICATIONS FOR CANADA-UNITED KINGDOM TRADE

ISSUE

The United Kingdom (UK) is currently scheduled to withdraw its membership from the European Union (EU) on January 31, 2020 (known as “Brexit”). Should Brexit lead to changes in the *Customs Tariff Act*, the CBSA is working with the Privy Council Office (PCO), the Treasury Board Secretariat (TBS), Global Affairs Canada (GAC), and Finance Canada (Finance) to ensure it is ready to implement such changes on short notice and inform the trade community.

CONSIDERATIONS

The implementation of Brexit, originally scheduled for March 29, 2019, has been delayed to January 31, 2020. Currently, there is uncertainty as to whether the UK will leave the EU with or without a withdrawal agreement that provides for a transition period during which the UK would still be bound by EU rules, including treaties such as the Canada-European Union Comprehensive Economic and Trade Agreement (CETA).

[redacted]

Given the uncertainty surrounding Brexit, and inquiries from the trading community, the CBSA has developed holding lines, in consultation with GAC, Finance, the PCO, and the TBS. This will ensure consistent and accurate responses from the Agency on this issue and to help mitigate any confusion among the trade community surrounding Brexit by making it clear that the CBSA will ensure that any changes to the *Customs Tariff Act* are communicated to the public.

ADVICE TO MINISTER

The CBSA is working closely with the PCO, the TBS, GAC, and Finance to ensure a coordinated approach to respond to any Brexit scenario.

[redacted]

We will continue to keep your office informed of any changes as they develop.



SOLICITOR-CLIENT PRIVILEGE

LITIGATION LANDSCAPE

OVERVIEW

The CBSA currently manages litigation involving front-line enforcement measures, immigration, customs, trade, and human resources matters as well as other non-operational litigation stemming from allegations of negligence, motor vehicle accidents, slip and falls, and contract disputes, etc. In addition, the CBSA is involved in criminal prosecution referrals made to Public Prosecution Services Canada (PPSC), and pay for border-related criminal files that have been referred by the Royal Canadian Mounted Police (RCMP) to the PPSC for action. The nature of the civil litigation cases range from statutory appeals and actions, judicial reviews and other applications, appeals to various levels of appellate courts, motions, constitutional questions and *Charter* challenges, civil claims for damages as well as appeals and complaints before various boards and tribunals.

The CBSA may be involved in litigation as a defendant or respondent, plaintiff or applicant, and an interested third party. Most commonly, the CBSA is the defendant or respondent. For the 2018-19 fiscal year, the CBSA was a defendant or respondent in 90% of actively managed litigation files, i.e. files in which Department of Justice counsel are involved. Litigation involving the CBSA is predominantly in the form of a judicial review, but also includes stays of removal, actions, appeals, and proceedings before administrative tribunals (e.g., Immigration and Refugee Board for immigration matters and Canadian International Trade Tribunal for customs matters). For the 2018-2019 fiscal year, judicial reviews accounted for 43% of CBSA's actively managed litigation files, with stays close behind at 31%. In contrast, appeals and actions each accounted for 9% of CBSA's actively managed litigation files. Proceedings before administrative tribunals only accounted for 3% of CBSA's actively managed litigation files.

The most prominent type of litigation facing the CBSA is immigration-related; immigration matters generally relate to the following issues: admissibility, ministerial relief, refugees, detention, removals, security certificates, citizenship revocation, and the *Safe Third Country Agreement (STCA)*. The other portion of litigation facing the CBSA is customs-related and consists primarily of enforcement appeals. Finally, non-operational litigation deals with claims for damages arising primarily in tort law following incidents at ports of entry and/or through inland activities.

STATUS

The area or branch implicated in a particular piece of litigation is responsible for monitoring the status. Litigation managed within the regions mainly relates to immigration matters, non-operational civil claims for damages as well as criminal prosecution. Litigation within Headquarters generally involves enforcement actions (Recourse), immigration measures

SOLICITOR-CLIENT PRIVILEGE

(Litigation Management Unit), trade disputes (Recourse and Trade Programs) and labour relations redress (Human Resources), and related civil claims for damages.

CONSIDERATIONS

[redacted] We would refer you to the other note on Ministerial Legislative Authorities (tab A3) for additional information on these issues.

The Minister can expect to be informed on high profile cases receiving significant media or public attention.

NEXT STEPS

Detailed briefings on cases can be provided upon request as consultation is required with implicated areas within the CBSA and/or the Department of Justice, as needed.



UNCLASSIFIED

COLLECTIVE BARGAINING

The Treasury Board of Canada Secretariat (TBS) is responsible for all collective bargaining within the core public administration (including the CBSA) and ensures the renewal of twenty-seven (27) collective agreements through negotiations with fifteen (15) bargaining agents.

TBS is also responsible for providing advice on collective bargaining and interpretations of collective agreements to federal departments and other portions of the core public administration.

CBSA's workforce has membership in six of the fifteen bargaining agents, broken down as follows:

- 1) The **Public Service Alliance of Canada (PSAC)** is the largest union covering federal public servants and represents 11,830 CBSA employees, or 88% of the Agency's workforce. This includes 10,405 in the Frontière-Border (FB) classification. While the CBSA has employer representation at the FB negotiating table, it is not represented at the other PSAC-TBS bargaining tables. To note, all collective agreements with PSAC are expired and negotiations with TBS are underway.
- 2) The **Professional Institute of the Public Service of Canada (PIPSC)** represents 783 CBSA employees. The collective agreement for the Computer Systems (CS) classification is the only one that remains expired with PIPSC, and the CBSA has an employer seat at this negotiating table.
- 3) The **Association of Canadian Financial Officers (ACFO)** represents 187 CBSA employees. A collective agreement is in place.
- 4) The **Canadian Association of Professional Employees (CAPE)** represents 177 CBSA employees. A collective agreement is in place.
- 5) The **International Brotherhood of Electrical Workers (IBEW)** represents eight CBSA employees. A collective agreement is in place.
- 6) The **Professional Association of Foreign Services Officers (PAFSO)** represents four CBSA employees. A collective agreement is in place.

The CBSA will keep you apprised on negotiations with the bargaining agent as required.



MEDIA SCAN (April to October 2019)

OVERVIEW

The last six months have seen media coverage on a variety of issues linked to the CBSA. The most high-profile and contentious coverage has been devoted to issues around irregular migration and immigration enforcement. While lower in profile, coverage of issues surrounding officer misconduct and the need for third-party review of such matters has been consistently negative. In addition, the media has focused on the continuing challenges of cross-border firearms and drug smuggling along with the presence of Mexican cartels allegedly tied to the lifting of visa requirements. Most recently, the extradition hearing and related civil suit regarding Meng Whanzou and CBSA's involvement has been a regular source of national reporting. Coverage has also remained consistent on other topics including ongoing court proceedings, privacy at the border and managing the legalization of cannabis amidst ongoing border restrictions.

SUMMARY

Irregular immigration and immigration enforcement

National coverage of **asylum seekers** has continued to be significant, with tone ranging from neutral to unfavourable. Most coverage has revolved around Roxham Road, near Lacolle, in Quebec, but has also focused on statistics and process, and front-end security screening. Within Quebec, there has been a focus on eliminating the pilot project to screen asylum seekers crossing near Lacolle, as well as the federal government's announcement to provide \$250 million to Quebec for costs related to resettling refugees and asylum seekers.

Meanwhile, coverage of **removals** has been significant and often negative. The last six months have seen a particular interest in the Agency's removal of inadmissible individuals, with a focus on failed asylum seekers and those with criminality. There has also been focus on two specific high profile cases, including:

- **Othman Hamdan** (British Columbia), accused of praising ISIS and terrorism online. This has garnered moderate coverage factual/balanced in tone, shifting to negative since his release.
- **Abdiliha Elmi** (Alberta), a Somali refugee who has lived in Canada for more than 20 years. This case has garnered significant and negative national media coverage, owing in part to a strong push from activists and the U.N. to stay his removal.

Thirdly, issues surrounding **immigration detention** have gained consistent, negative, national media coverage. Overall, coverage has decreased corresponding with a general decline in the number of detainees held and the length of detention. Coverage previously focused on the use of provincial correctional facilities to house detainees, the number of children being held, and the

use of defensive equipment by CBSA officers at Immigration Holding Centres (IHC). Meanwhile, coverage in Quebec has held a keen interest on the future IHC in Laval (to be operational in 2021). Coverage has been largely negative, denouncing the construction and amplifying criticism from opposition groups.

Contraband and dangerous individuals

National media interest in **firearms** at the border has been consistent, significant, and often negative. Recent coverage has focused on the Ontario Association of Chiefs of Police (OACP) characterizing smuggling as the root cause of gun violence in Canada. The OACP believes that its border security partners, including the CBSA, do not possess adequate resources to stop the smuggling of firearms. In response, the CBSA highlighted significant seizures, resulting in some positive, regionalized coverage.

Opioids (such as fentanyl) and the CBSA has been a focus of media coverage with emphasis on shipping fentanyl through the mail and some resulting seizures. Coverage on such matters tends to be neutral to positive. Stories however focusing on the opioid crisis more broadly and its effects on communities, tend to be more negative and include calls for greater action.

Apart from contraband, media coverage on dangerous individuals crossing into Canada has been a focus, specifically with regard to **Mexican cartels**. Coverage has been mostly negative, focusing on alleged large numbers of Mexican cartel members living in Canada, mostly in Quebec, with an assumed connection to the federal government's lifting of Mexican visa requirements. This said, an internal analysis conducted by CBSA has found that this is not the case, leaving the Agency in a positive position to counter such claims going forward.

Officer conduct and the call for independent review

The past few months have seen an increased focus on issues of alleged officer misconduct and the push for complaints about officers to be subject to third party review. National media coverage has been moderate on the issue of creating a **new review body** for the CBSA. Coverage was steady leading up to and including when the former Bill C-98 was tabled and increased again once the bill died in the Senate.

The lack of third party review is often noted in media stories about **complaints involving CBSA officers**. Coverage on such matters has ranged from official languages complaints and alleged racially-motivated mistreatment of travelers. In addition, there has been recent media coverage and interest on the subject of **personal searches** at the border. This was the subject of a widely covered June story by CBC focused on a former Sunday school teacher who was allegedly treated harshly by officers and strip searched to no avail at Vancouver International Airport. In this story as well as others, the media has been critical of the CBSA and has heavily emphasized the lack of an independent review body.

Privacy and the CBSA

The use of personal information continues to be a generator of media coverage about the Agency. Recently, media coverage regarding the hacking of **Perceptics** (a company contracted

by the CBSA to operate license plate readers) has been moderate. The coverage has been mostly factual in tone, with the focus being on the hacking incident and the announcement that the Office of the Privacy Commissioner will be investigating. This story follows other privacy-related matters involving the CBSA, including **searches of travellers' smartphones** and the power of officers to demand user passwords; an issue that has been questioned by certain courts and promises to remain an ongoing issue.

Ongoing matters of litigation

Media coverage on matters of litigation have been consistent, usually factual, but oftentimes negative. Over the last six months, focus on high profile litigation cases has included:

- **Meng Wanzhou:** Coverage has largely focused on the proceedings' unfolding. Specific to the CBSA, there has been some negative coverage surrounding her arrest and ensuing civil case. Some reporting has stated that the CBSA may have violated her rights by not immediately telling her that there was a warrant out for her arrest and that the CBSA abused its search powers by collecting evidence for the FBI.
- **Jody Swamp:** Media coverage focusing on this Cornwall port of entry (POE) related class-action lawsuit has been moderate and regionally focused in the Eastern Ontario region. The tone has been mostly unfavorable, as media have detailed, at length, allegations of mistreatment of Mohawk residents at the Cornwall POE.

Cannabis and the border

National media coverage has remained consistent on the issue of cannabis. From a CBSA perspective, coverage is related to: the **increase in cannabis seizures and declarations** at the border; officer training since cannabis legalization; what travellers should know when entering/exiting Canada with cannabis and/or cannabis products; and what impacts (if any) this will have on border wait times. Most articles are factual and neutral in tone, and convey the Agency's main message: "*Don't bring it in. Don't take it out.*" One issue garnering negative attention is the lack of clarity around carrying **CBD oils**.



Key Contacts

President's Office

President	John Ossowski	613-952-3200
Chief of Staff	Stephen Scott	613-957-2779
Senior Policy Advisor	Matthew Partridge	613-948-3176
Ministerial Liaison Officer	Don Murray	613-948-7116
Executive Assistant	Carmen Voghel	613-952-5495
Executive Assistant	Gaëlle Rémy	613-952-3200
Administrative Assistant	Emma Jones	613-952-3200
Driver	Daniel Marinier	613-948-3188

Executive Vice-President's Office

Executive Vice-President	Paul MacKinnon	[redacted]
Chief of Staff	Corey Loverock	613-946-2987
Executive Assistant	Erin Mather	613-946-2991

Strategic Policy Branch – Vice-President's Office

Vice-President	Kathy Thompson	613-941-4937
Senior Policy Advisor	Edith Laflamme	613-941-4955
Executive Assistant	Jacqueline Stanton	613-941-4974
Administrative Assistant	Stephanie Provost	613-954-1402
Executive Director of Communications (media relations)	Marc Raider	613-948-9048
Issues Management Director	Reesha Namasivayam	[redacted]

Finance and Corporate Management Branch – Vice-President's Office

Vice-President	Jonathan Moor	613-948-8604
Strategic Advisor	Rebecca Gunn	613-954-2315
Executive Assistant	Kimberly Morin	613-948-3187
Correspondence Officer	Suzanna Nguyen	613-948-8821
Manager, Business Planning and Branch Operations	Sarah McCormick	613-952-2914
Regional Coordinator	Cynthia Leduc	613-960-6225

Human Resources Branch – Vice-President's Office

Vice-President	Louise Youdale	613-948-3180
Chief of Staff	Julia Tokarew	613-948-3186
Executive Assistant	Roxane Lacroix	613-941-0165

Information, Science and Technology Branch – Vice-President's Office

Vice-President	Minh Doan	613-948-9694
Strategic Advisor	Samantha Perron	613-948-3414
Executive Assistant	Lise Lagarde	[redacted]

Intelligence and Enforcement Branch – Vice-President's Office

Vice-President	Jacques Cloutier	613-948-4111
Chief of Staff	Robyn Quinn	613-948-4121
Strategic Advisor	Lara Clairoux	613-954-7516
Executive Assistant	Samantha Conroy	613-954-8137

Travellers Branch – Vice-President's Office

Vice-President	Denis R. Vinette	613-952-5269
Chief of Staff	Nathalie Blanchard	613-954-7527
Executive Assistant	Nathalie Filion	613-948-4122

Commercial and Trade Branch – Vice-President's Office

Vice-President	Peter Hill	613-952-2531
Chief of Staff	David Eves	613-954-7911
Strategic Advisor	Marie-Pier Dargis	613-948-4430
Executive Assistant	Julie Headlam	613-952-5226

CBSA Assessment and Revenue Management Branch – Vice-President's Office

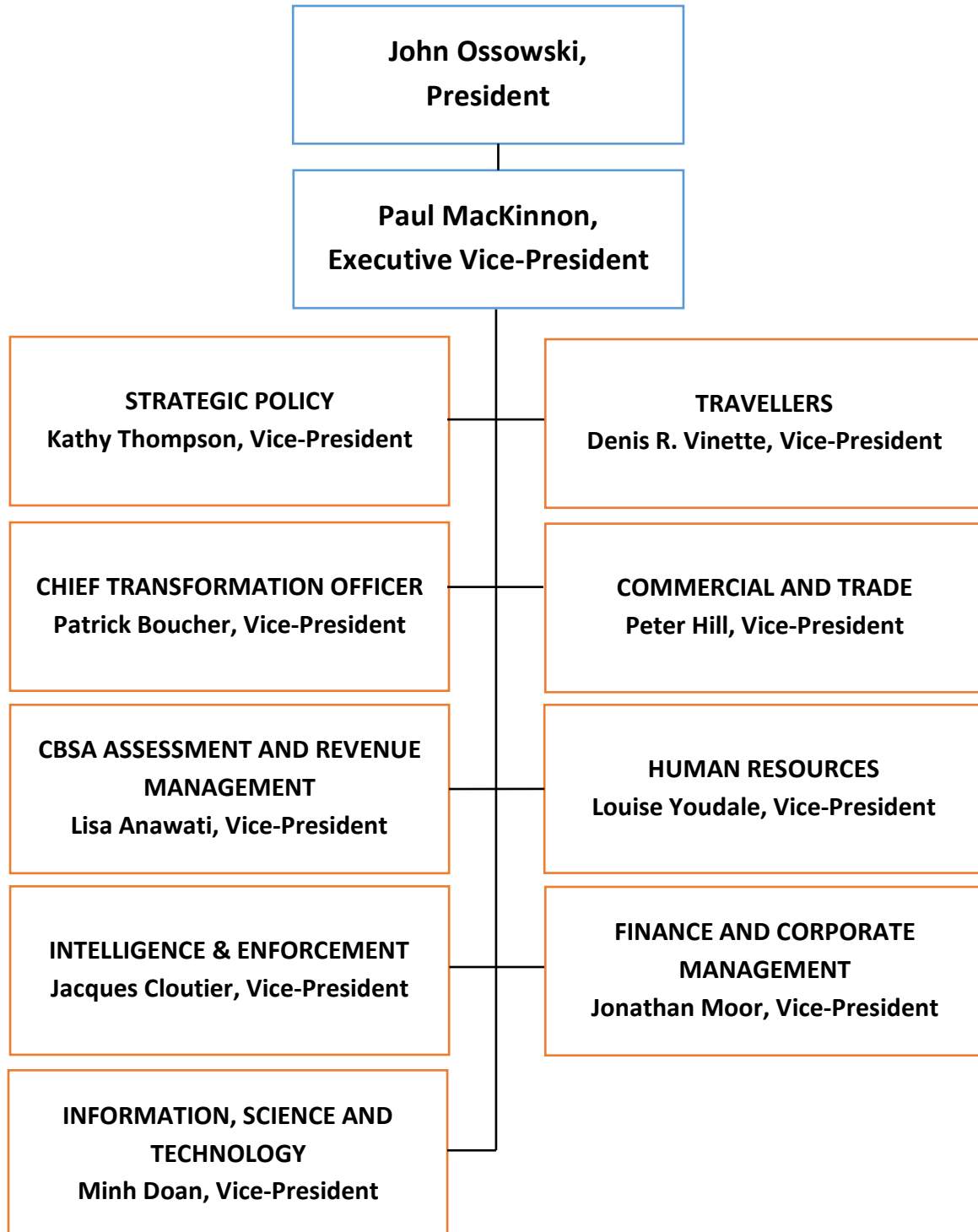
Vice-President	Lisa Anawati	613-960-6596
Strategic Advisor	Bianka Seguin-Guindon	613-960-6597
Executive Assistant	Danielle Carriere	613-957-0863

Chief Transformation Officer Branch – Vice-President's Office

Vice-President	Patrick Boucher	613-946-4884
Chief of Staff and Strategic Advisor	Alexandra Cyr-Carriere	613-941-3357
Executive Assistant	Gisèle Rodrigues	613-941-6532



Canada Border Services Agency Organizational Structure





Executive Biographies

John Ossowski

President



John Ossowski was appointed President of the Canada Border Services Agency (CBSA) on December 7, 2016.

Prior to this appointment, John was Deputy Commissioner of the Canada Revenue Agency from July 2015 to December 2016. He has also held senior positions as Associate Deputy Minister of Public Safety Canada and also as Assistant Secretary, International Affairs, Security and Justice Sector, at the Treasury Board Secretariat (TBS).

He has also worked at the Communications Security Establishment Canada (CSEC) where he was Director General, Policy and Communications and then Deputy Chief, Corporate Services. Before joining CSEC, Mr. Ossowski was Assistant Director, Government Relationships and Communications at the Financial Transactions and Reports Analysis Centre of Canada, which is Canada's financial intelligence unit. Previously, he spent a number of years at TBS in the Government Operations Sector and finally, as the Executive Assistant to the Secretary.

Mr. Ossowski has a bachelor's degree in Economics from the University of Victoria.

Paul MacKinnon

Executive Vice-President



Paul MacKinnon was appointed Executive Vice-President of the CBSA on August 6, 2019.

Prior to joining the CBSA, Mr. MacKinnon was the Assistant Deputy Minister of Strategic and Program Policy at Immigration, Refugees and Citizenship Canada (IRCC) from 2016-2019.

At IRCC, Mr. MacKinnon's responsibilities included leading consultations with national and international partners and stakeholders to advance Canada's broad immigration policy. He played a key role in developing recommendations to the Government on changes to Canada's asylum system.

Mr. MacKinnon served as Assistant Deputy Minister of Portfolio Affairs and Communications at Public Safety Canada from 2011 to 2016. In this position, he played a key role in working across the department and with Portfolio Agency partners in developing coordinated policy advice for the Minister and Deputy Minister. He also worked extensively on Canada-United States issues, including serving as the lead Canadian negotiator for the *Agreement on Land, Rail, Marine and Air Transport Preclearance* between the Government of Canada and the United States.

Previously, he was Director General of National Security Policy at Public Safety Canada where he was responsible for policy development on national security issues, including working with partners on the development of Canada's Counter Terrorism Strategy.

Mr. MacKinnon has a Bachelor of Arts, Political Science from the University of Prince Edward Island.

Kathy Thompson

Vice-President (Strategic Policy Branch)



Ms. Kathy Thompson joined the CBSA in May 2018, as Vice-President of the Strategic Policy Branch.

In her previous role, Ms. Thompson was Assistant Deputy Minister for the Community Safety and Countering Crime Branch, Public Safety Canada, from June 2013. In this position, she was responsible for developing legislation, policies and national strategies focused on policing, crime prevention, law enforcement, border strategies, corrections and community safety.

Ms. Thompson was also charged with providing policy advice to the Minister of Public Safety and Emergency Preparedness in carrying out his responsibilities and accountability for some of the Public Safety portfolio agencies, namely the Royal Canadian Mounted Police, CBSA, and Correctional Service Canada.

Prior to becoming Assistant Deputy Minister at Public Safety, Ms. Thompson was the Director General, Policy and Communications at Communications Security Establishment Canada (CSEC), from March 2008. Previously, she occupied several positions at CSEC since joining in 2004, including Director of the Industry Program in IT Security.

Prior to CSEC, Ms. Thompson was Director of Strategic and Operational Policy with the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC).

Ms. Thompson spent over ten years in the non-governmental sector, including with the Federation of Canadian Municipalities. She graduated from Carleton University in Ottawa with a Bachelor of Arts in law and psychology, with a concentration in Criminology.

Jonathan Moor

Vice-President and Chief Financial Officer (Finance and Corporate Management Branch)



Jonathan Moor joined the CBSA as Vice-President, Comptrollership and Chief Financial Officer in January 2018. Comptrollership provides national leadership for the Agency's financial administration, security and professional standards, infrastructure and environmental operations, and contracting and material management.

Prior to joining the CBSA and coming to Canada on an interchange program with the UK Government, he held a number of senior roles in the UK's Department for Transport, where he was appointed to the Main Board in 2013.

In 2009, Mr. Moor was the UK's Director General for Civil Aviation responsible for aviation security and facilitation; air service negotiations; consumer; environmental; and regulatory policies. He was also Vice President of Eurocontrol and the European Civil Aviation Conference; and Chairman of ICAO's Evaluation and Audit Advisory Committee.

Mr. Moor trained as a Chartered Accountant in the private sector with Touche Ross & Co (now Deloitte), before moving to District Audit in 1992 and then the Audit Commission to work in a number of financial and corporate roles. In 2000, he was appointed as their Finance Director. In 2003, he joined the UK's Department for Transport as Group Finance Director of the Driver, Vehicle and Operator Group, before moving into a policy and program management role as Director of Airports Strategy in 2006 (responsible for the third runway program at Heathrow).

In the 2011 New Year's Honours List, Mr. Moor was awarded a CBE (Commander of the Order of the British Empire) for services to aviation.

Louise Youdale

Vice-President (Human Resources Branch)



Ms. Louise Youdale was recently appointed Vice-President of Human Resources on October 28, 2019.

Louise brings over 20 years of executive leadership to the CBSA, including time in both the private and public sectors. She was most recently the CIO and Director General, Information Management and Technology at the Canadian Nuclear Safety Commission, where she had also been Chief Human Resources Officer and Director General of Human Resources.

Louise also gained valuable human resources experience while working at Agriculture and Agri-Food Canada (DG, HR Operations / Client Services), the National Research Council (VP, HR), Alterna Savings and Alterna Bank (Senior VP, HR) and several other organizations.

She has dedicated her career to working with leaders to build organizational capability, shape culture and optimize performance.

Louise holds a Bachelor of Business Administration degree, with a concentration in Human Resources Management, from Bishop's University.

Minh Doan

Vice-President (Information, Science and Technology Branch)



Mr. Minh Doan was appointed Vice-President of the Information, Science and Technology Branch (ISTB) on January 2, 2018.

Since joining the CBSA in 2014 as the Director General of the Business Applications Services Directorate, Mr. Doan has also taken on the role of interim Vice-President of ISTB from September 2016 until September 2017 and Director General of Enterprise Architecture, Information Management and Common Services from September to December 2017.

Mr. Doan has over 17 years of private and public sector experience in leading enterprise IT projects, improving the efficiency of IT and aligning IT with business operations.

Before joining the CBSA, Mr. Doan was an Executive Director at Employment and Social Development Canada where he led major Business and Technology Transformation Projects. Prior to that he worked at the Privy Council Office (PCO) on Administrative Services Review and government-wide IT strategies to transform service delivery to Canadians. He has also held progressively more senior positions at Service Canada and Bell Canada.

Mr. Doan has a bachelor's degree in Computer Science from the Université du Québec and a certificate in Leading Change and Organizational Renewal from the Harvard Business School.

Jacques Cloutier

Vice-President (Intelligence and Enforcement Branch)



Mr. Jacques Cloutier was appointed Vice-President of the Intelligence and Enforcement Branch on April 1, 2019.

Prior to this appointment, he held several senior executive positions with the CBSA such as Vice-President and Associate Vice-President of Operations Branch and Director General, International Region. Before coming to the CBSA, he held a number of senior executive positions related to national security at Public Safety, the Privy Council Office and the Communications Security Establishment.

Mr. Cloutier began his professional career in 1987, and as a reservist deployed to the former Yugoslavia as part of the United Nations Protection Force Canadian contingent. Upon completion of this mission, he joined the United Nations Volunteers and later the UN Department of Peace Keeping Operations as a civilian member and as a technical advisor in the context of peacekeeping missions in Africa's Great Lakes region and in Angola.

In 1995, Mr. Cloutier joined the Organization of American States and was part of the joint OAS/UN human rights mission in Haiti. His work involved the investigation of human rights violations alleged to have been committed by Agents of the State, capacity building and strengthening of government structures, principally in the policing, judicial and detention sectors.

Mr. Cloutier is a graduate of the Université de Sherbrooke and joined the Public Service in 2002, after completing a Master's Degree in Business Administration.

Denis R. Vinette

Vice-President (Travellers Branch)



Mr. Denis Vinette is the Vice-President of the Travellers Branch and has enjoyed a distinguished career in border management spanning 27 years at the CBSA.

Prior to his current role as Vice-President of Travellers Branch, Mr. Vinette had been the Associate Vice-President of the Operations Branch since 2016.

Mr. Vinette was hired in 1992 as a Customs Inspector in Prescott, Ontario. He joined the management ranks when he became a Customs Superintendent in Cornwall and then the Chief of Operations at Macdonald Cartier International Airport in Ottawa.

He gained experience in increasingly more senior management positions including those of Director, Border Enforcement; Director, Personnel Security and Professional Standards; Director General, Strategic Planning and Integration; Regional Director General, Northern Ontario Region and Director General, Border Operations Directorate before becoming Vice-President.

Mr. Vinette has been recognized for his service, having been awarded a 2005 Public Service Award of Excellent and in 2012 both the Queen's Diamond Jubilee Medal and the Peace Officer Exemplary Service Medal.

Mr. Vinette graduated from the University of Ottawa and obtained a Bachelor of Social Sciences, with a concentration in Criminology and Psychology. [redacted]

Peter Hill

Vice-President (Commercial and Trade Branch)



In April 2019, Peter Hill was appointed Vice-President, Commercial and Trade Branch, Canada Border Services Agency (CBSA).

Prior to this appointment, Mr. Hill served as Associate Vice President, Programs Branch, CBSA for five years with responsibility for the development and implementation of national programs; strategies; legal, regulatory and policy frameworks; and CBSA Renewal. Prior to that, he was Director General, Enforcement and Intelligence Programs Directorate, CBSA for five years.

Throughout his tenure at the Agency, Mr. Hill has provided leadership on strategic initiatives and partnerships to advance CBSA priorities in collaboration with other government departments and agencies, provincial and foreign governments, industry, non-governmental organizations, and academia.

Prior to joining the CBSA, Mr. Hill held executive positions at Communications Security Establishment Canada, Public Safety Canada and Health Canada. He began his career with the Canadian Security Intelligence Service in 1985.

Mr. Hill holds a Masters of Arts degree in Political Science from Carleton University in Ottawa. He is married with two children.

Lisa Anawati

Vice-President (CBSA Assessment and Revenue Management Branch)



Ms. Lisa Anawati joined the CBSA in January 2018 as Vice-President of the CBSA Assessment and Revenue Management (CARM) Branch.

As Vice-President and Project Lead for the CARM project, Lisa is responsible for the successful delivery of the project. CARM is a multi-year business transformation initiative and once implemented, it will facilitate trade compliance and enhance the use of data analytics to streamline business processes.

Ms. Anawati has extensive experience in regional and national tax compliance and enforcement programs. Prior to joining the CBSA, Ms. Anawati was with the Canada Revenue Agency (CRA) where she was Acting Deputy Assistant Commissioner, International, Large Business and Investigations Branch. Her other positions at the CRA included Director General, International and Large Business; and Director General, GST/HST.

Ms. Anawati has a degree in Business Administration from the University of New Brunswick. She is also a Chartered Professional Accountant / Certified Management Accountant and holds a certificate in Public Sector Leadership and Governance from the University of Ottawa.

Patrick Boucher

Vice-President and Chief Transformation Officer (Transformation Branch)



As Chief Transformation Officer and Vice President of the Transformation Branch, Mr. Patrick Boucher is responsible for providing leadership to the Agency for its transformation and modernization journey. He does this by leading a team that articulates and defines the Agency's transformation vision and by ensuring that the guidance needed to achieve that vision is in place – whether it be by setting strategic direction and priorities, by providing culture and change management expertise, or by working to identify and implement solutions to various business challenges across the Agency.

Prior to joining the CBSA, Mr. Boucher served at Justice Canada from 2017 to 2019 where he worked across government to ensure that the Crown was fulfilling its constitutional and international human rights obligations, including Aboriginal and treaty rights. In his role, he also supported the Government's mandate commitments towards advancing reconciliation and achieving a renewed nation-to-nation relationship with Indigenous peoples.

From 2009 to 2017, Mr. Boucher served in various key Director General positions at Public Safety Canada – most recently as Director General for Critical Infrastructure and Strategic Coordination in the National and Cyber Security Branch.

He holds a Master of Arts in Canadian Studies (Public Policy/Aboriginal Studies) from Carleton University and a Bachelor of Arts in Computer Science and is very proud of his Métis heritage.

He is a dedicated and passionate public servant, a recipient of the Public Service Award of Excellence, which recognizes public servants who have demonstrated excellence in achieving results for Canadians while demonstrating key leadership competencies, and a recipient of the Queen Elizabeth II Golden Jubilee Medal which was awarded to Canadians who have made outstanding and exemplary contributions to their communities and to Canada as a whole.

Mr. Boucher is a member of the Board of Directors at Desjardins, a volunteer with various community organizations and also a father of two.



INTERNATIONAL AND DOMESTIC PARTNERSHIPS

OVERVIEW

The CBSA is dependent on partnerships with federal, provincial and international governments, in addition to private sector partners and stakeholders in order to achieve its mandate. Leveraging partnerships gives CBSA access to the right information to make decisions that protect Canada and Canadians; provide for excellent service in safe and secure facilities; and, negotiate agreements and arrangements that contribute to modern, integrated global border management strategies.

CONSIDERATIONS

The CBSA administers more than 90 acts, regulations and international agreements, many on behalf of other federal departments and agencies. Working collaboratively with partners, the Agency is better positioned to set priorities and manage its operations by developing processes and designing controls that contribute to the safety and security of all Canadians, while facilitating the movement of admissible people and goods and providing excellent service.

Public Safety Portfolio and Other Key Federal Partners: Within the federal government, there are close working relationships the CBSA has with a number of other government departments in Canada, and working together abroad.

Within the Public Safety Portfolio, a key relationship is with the Royal Canadian Mounted Police (RCMP). The CBSA is responsible for controlling the movement of goods and people through Canadian ports of entry, whereas the RCMP is responsible for the control between the ports of entry and on First Nations reserves. Criminal investigations pursuant to *Immigration and Refugee Protection Act* (IRPA) are led by the CBSA, and those involving organized crime, human trafficking or national security issues are led by the RCMP. At the operational level, the RCMP leads a number of integrated teams in which the CBSA actively participates. The CBSA also collaborates with the Canadian Security Intelligence Service on national security issues and Correctional Services Canada as it relates to detention of non-Canadian citizens in violation of the IRPA.

Outside the Portfolio, Immigration, Refugees, and Citizenship Canada (IRCC) is a priority partner for the CBSA as the two organizations share responsibility for administering IRPA. Specifically, the CBSA is responsible for administering IRPA at Canadian ports of entry and enforcing it inland (i.e. investigations, detentions, removals, and appearances before the Immigration and Refugee Board). In addition, the CBSA supports the security screening process for the temporary and permanent resident applicants and provides intelligence support to IRCC. IRCC is responsible for processing applicants for temporary and permanent residence and their settlement and integration in Canada.

IRCC and the CBSA are working together to strengthen the integrity of the immigration program through the enhancement of screening tools, new controls and improved case management. There are a number of priority files on which the two organizations work together, such as admissibility and refugee determination issues, changes to visa requirements, international collaboration to facilitate removals and the development of improved and integrated services to those crossing our borders. Moreover, there is a shared agenda to advance technological innovations that will improve the effectiveness and efficiency of our operations, both inland and at ports of entry.

In addition to the above-noted organizations, the CBSA also collaborates closely with the Canadian Food Inspection Agency, Transport Canada, Department of Finance, Department of Fisheries and Oceans Canada (i.e.: Canadian Coast Guard), Health Canada, and the Communication Security Establishment. Collaborative efforts allow us to support one another to fulfill our respective mandates.

Law enforcement partnerships and other levels of government: In operational contexts, the CBSA collaborates with regional-level partners, including municipal and provincial police services, health and welfare agencies, and provincial correctional institutions. These partners support the enforcement of the various Acts administered by the CBSA.

Key Domestic Stakeholders: In the context of an increasingly globalized world, there are a large number of potential CBSA domestic stakeholders. Associations and individuals engaged in the commercial trade, business, immigration, human and civil rights, and travel and tourism sectors represent specific needs and interests of the Agency's clients and stakeholders. The CBSA works through a variety of fora to address concerns, and works collaboratively with external stakeholders when developing new policies and procedures.

Examples of key domestic stakeholders are:

- Air Transport Association of Canada
- BC Chamber of Shipping
- Canadian Association of Importers and Exporters
- Canadian Chamber of Commerce
- Canadian Council of Refugees
- Canadian Port Authority Association
- Canadian Red Cross
- Canadian Society of Customs Brokers
- Canadian Trucking Alliance
- Railway Association of Canada
- Shipping Federation of Canada

Stakeholder Consultative Committees: In addition to engaging individual stakeholders, the CBSA has two main consultative committees: the Border Commercial Consultative Committee (BCCC) and the Air Consultative Committee (ACC). The BCCC is comprised of, and addresses

issues impacting, commercial stakeholders (i.e. carriers, brokers, importers, and freight forwarders).

The ACC is made up of airport authorities and airlines and the CBSA to address issues in the air mode that impact the competitiveness of Canadian airports, or the ability of CBSA to fulfil its mandate.

International Partners: The International Strategic Framework guides the Agency's international programs and partnerships. The Agency is dependent on international partners to provide access to information, facilities and tools abroad to interdict inadmissible people and goods at the earliest point in the travel or commercial continuum, and to disrupt illicit border-related activity impacting Canada. These objectives are often achieved through the negotiation of international agreements (e.g. Customs Mutual Assistance Agreements, Free Trade Agreements), and arrangements. The CBSA participates in a number of international fora that help guide and contribute to achieving its strategic goals. Four key international fora are highlighted below.

Five Country Ministerial (FCM): The FCM brings together the Ministers responsible for public safety and immigration in the Five Eyes (FVEY) countries [Australia, Canada, New Zealand, the United Kingdom and the United States] to engage on global security issues. The FCM provides strategic direction to guide current and future cooperation; establishes a more integrated policy-making and planning structure; identifies gaps/opportunities for further collaboration; and, improves accountability. Of note, the CBSA and Australia are co-leading work on a vision of the Border of the Future (BOTF).

Border Five (B5): The B5 is a high-level forum for relevant agency Heads from the FVEY to influence and shape border management discussions at an international level amongst advanced and trusted partners and to promote common interests on border security, intelligence, economic prosperity, and trade and travel facilitation.

Migration Five (M5): The CBSA actively participates in the M5, along with IRCC. The M5 is an international forum of immigration and border security agencies consisting of the FVEY. The forum shares best practices on information sharing, data, and intelligence to optimise immigration decision-making, attract and facilitate legitimate travellers, and deter and disrupt mala fide individuals.

B5 / M5 Chairmanship: The Chairmanship of the B5 and M5 alternates between participating countries annually. CBSA will assume the Chairmanship of B5 and co-chair of M5 with IRCC starting in November 2019.

World Customs Organization (WCO)

The WCO has 182 members, representing 98 percent of global trade. It acts as a United Nations-like organization exclusively focused on customs matters with various technical, policy and

decision-making bodies. Canada is seen as a leader in the forum, as it collaborates with key partners and helps set and advance the global customs agenda in a manner aligned with the Agency's and the Government of Canada's economic and security priorities, and in a way that supports WCO numbers.

Bilateral Relations

In addition to participating in multilateral fora, the CBSA engages with key bilateral partners to advance its international strategic objectives, outside of the Five Eyes community. The Agency also leverages relationships in key regions or countries to support and advance the CBSA's international objectives. This includes nurturing and developing international engagement with China, the European Union, France, Germany and Mexico.

United States

Given the volume of travellers, goods and services that cross our shared border on a daily basis - approximately 400,000 people every day and \$1.4 million in trade every minute, and the importance of safety and security considerations associated with a shared border, the CBSA's relationship with its U.S. counterparts plays the most critical role amongst all of the Agency's partners in the management of the shared border.

On Canada-US border management issues, the CBSA engages primarily with U.S. Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE), both of which are agencies under the Department of Homeland Security (DHS), currently the post of the Secretary of Homeland Security is vacant as Mr. McAleenan resigned October 11. Mr. McAleenan was formerly the Commissioner of U.S. CBP (see Tab G3 on Canada/U.S. relations).

Mexico

Mexico is a key strategic partner in the Americas, in multilateral fora, and on trilateral issues with the U.S. The CBSA and its partners in Mexico work on initiatives and programs to facilitate the movement of people and goods. On Customs issues, the CBSA collaborates closely with the Tax Administration Service, which falls under the Secretary of Finance; on migration issues, our key interlocutor is the National Migration Institute, under the Ministry of the Interior.



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Canada Border Services Agency

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→ National Immigration Detention Framework

Arrests, detentions and removals

National Directive for the Detention or Housing of Minors

► **Table of contents**

1. Introduction

The Canada Border Services Agency (CBSA) is responsible for the administration and enforcement of the Immigration and Refugee Protection Act (IRPA), including the arrest and detention of permanent residents or foreign nationals in Canada. When exercising their authority to arrest and detain, under IRPA and the Immigration and Refugee Protection Regulations (IRPR), CBSA officers are guided by jurisprudence as well as internal policies, directives and guidelines. Canada's immigration detention program is based on the principle that detention shall be used only as a last resort, in extremely limited circumstances and only after appropriate alternatives to detention are considered and determined to be unsuitable or unavailable.

This Directive is fully aligned with the Ministerial Direction issued by the Minister of Public Safety and Emergency Preparedness.

2. Preamble

Canada's international obligations and domestic legislative and policy frameworks are the broad underpinnings of this Directive. Section 60 of the IRPA affirms the principle that the detention of a minor must be a measure of last resort, taking into account other applicable grounds and criteria, including the best interests of the child (BIOC). A Federal Court decision in 2016 ¹ ruled that the interests of a housed minor is a factor that can be taken into the decision to detain or maintain detention of a parent and are to be weighed along with other mandatory factors under R.248. The United Nations Convention on the Rights of the Child (CRC), to which Canada is a party, states that the BIOC shall be a primary

consideration in all state actions concerning children. In recognizing the vulnerability of children and research on the detrimental effects of detention and family separation on children, the CBSA developed the National Directive for the Detention or Housing of Minors for operational use, which takes a balanced approach to achieve better and consistent outcomes for minors affected by Canada's national immigration detention system.

3. Definitions

Alternatives to Detention (ATDs)

A policy or practice that ensures people are not detained at an Immigration Holding Centre (IHC), provincial or any other facility for reasons relating to their immigration status. ATDs allows individuals to live in non-custodial, community-based settings while their immigration status is being resolved. ATDs includes Community Programming (in-person reporting, cash or performance bond and community case management and supervision) and Electronic Supervision tools, such as voice reporting.

Best Interests of the Child (BIOC)

An international principle to ensure children enjoy the full and effective benefit of all their rights recognized in Canadian law and the CRC. It is also a rule of procedure that includes an assessment of the possible impact (positive or negative) of a decision on the child or children concerned.

Community-based organizations (CBOs)

Non-profit groups that work at a local level to improve life for residents. The focus is to build equality across society in all streams - health care, environment, quality of education, access to technology, access to spaces and information for the disabled, to name but a few.

Detainee or Detained

An adult or minor subject to an Order for Detention under A55 of the IRPA.

Family

Consists of a parent(s) or legal guardian(s) ('p/lg' henceforth) and a dependent minor. This may also include family members as defined by IRPR and situations where siblings are traveling together without their p/lg.

Housed (Minor)

A foreign national, permanent resident or Canadian citizen who, after the completion of a BIOC, is kept with their detained p/lg at an IHC at the latter's request. A housed minor is

not subject to an Order for Detention and is free to remain and re-enter the IHC subject to the p/lg consent in accordance with the rules and procedures of that facility.

Minor

Is defined under IRPA and the CRC as a person under the age of 18. In some provinces, a youth aged 16 and 17 is not considered a minor (see Annex B). However, this does not change the fact that they are considered to be a minor in the federal context (R249).

Non-Compliance

Failure or refusal to comply, as with a law, regulation, or term of a condition.

Segregation (Administrative)

The separation of persons to prevent association with others.

Unaccompanied Minor

He/she or siblings traveling together do not arrive in Canada as a member of a family or do not arrive in Canada to join such a person.

4. Objectives

1. To stop detaining or housing minors and family separation, except in extremely limited circumstances.
2. To actively and continuously seek ATDs when unconditional release is inappropriate for the purpose of the above.
3. To preserve the family unit for overall well-being and continuity of care.
4. To ensure that the detention or housing of a minor or the separation of a minor from his/her detained p/lg, where unavoidable, is for the shortest time possible.
5. To never place minors in segregation (or segregate them) at an IHC, provincial or any other facility.

5. Legislative authorities

Section 55 of the IRPA is the arrest and detention provisions applicable to both for adults and minors:

A55 (1) and (2) - A designated officer may arrest and detain, with (1) or without (2) a warrant where:

- The officer has reasonable grounds to believe the person is inadmissible to Canada and

- is a danger to the public; or
- the person is unlikely to appear for an immigration process (examination, admissibility hearing, minister's delegate review, or removal);
- The officer is not satisfied of the identity of the foreign national in the course of any procedure under the IRPA.

A55 (3) - A designated CBSA officer may detain a person on entry into Canada (limited to Port of Entry (POE) cases only) where:

- The officer considers it necessary to do so in order for the examination to be completed; or
- The officer has reasonable grounds to suspect that the permanent resident or foreign national is inadmissible on grounds of security or for violating human or international rights, serious criminality, criminality or organized criminality.

A55(3.1) provides for mandatory arrest and detention of a designated foreign national who is 16 years of age or older on the day of the arrival that is subject of the designation made by the Minister of Public Safety and Emergency Preparedness pursuant to subsection 20.1 (1) of the IRPA.

Section A60 of the IRPA enshrines the principle that the detention of a minor is a measure of last resort while concurrently legislating the BIOC must always be considered:

For the purposes of this Division, it is affirmed as a principle that a minor child shall be detained only as a measure of last resort, taking into account the other applicable grounds and criteria including the best interests of the child.

In addition, **Section 249 of IRPR** outlines special considerations on the detention of minors:

- (a) the availability of alternative arrangements with local child-care agencies or child protection services for the care and protection of the minor children;
- (b) the anticipated length of detention;
- (c) the risk of continued control by the human smugglers or traffickers who brought the children to Canada;
- (d) the type of detention facility envisaged and the conditions of detention;
- (e) the availability of accommodation that allows for the segregation of the minor children from adult detainees who are not the parent of or the adult legally responsible for the detained or housed minor children; and

(f) the availability of services in the detention facility, including education, counselling and recreation.

Other factors are prescribed in **section 248 of the IRPR** for consideration before a decision is made on detention or release if it is determined that there are grounds for detention:

- (a) the reason for detention;
- (b) the length of time in detention;
- (c) whether there are any elements that can assist in determining the length of time that detention is likely to continue and, if so, that length of time;
- (d) any unexplained delays or unexplained lack of diligence caused by the Department or the person concerned; and
- (e) the existence of alternatives to detention.

6. Fundamental considerations

1. Detention of a minor is a measure of last resort (A60 above). Detention is to be avoided to the greatest extent possible and applied for the shortest period possible.
2. ATDs must always be considered first for minors and their p/lg and be actively pursued until release.
3. The unity of families is to be highly factored in all detention-related decisions.
4. The BIOC are a primary consideration and may only be outweighed by other significant considerations such as public safety (i.e. R245 Flight Risk (a) (f) and R246 Danger to the Public), or national security.
5. Detention may be considered when historic, consistent and willful breaches of IRPA or IRPR are demonstrated.
6. The BIOC assessment is to be conducted prior to any decision to detain or house a minor or separate a minor from his/her detained p/lg; and should also be conducted on a continual basis (Section 8(2)).
7. Only in extremely limited circumstances may a minor be detained or housed if no suitable ATDs can be found:
 - a. if it is in the BIOC to be housed with their p/lg;
 - b. there are well-founded reasons to believe the minor is a danger to the public;

- c. when identity is a serious concern but only insofar as there are well-founded reasons to believe the minor or his or her p/lg may represent a risk to public safety and national security; and
- d. the family is scheduled or can be scheduled for removal within seven days and has demonstrated a consistent pattern of non-compliance and willful breaches of conditions or violations of the Act or Regulations elevating the risk of unlikely to appear for removal.

8. Where detention is warranted:

- a. detention or housing must be for the shortest period of time;
- b. ATDs will be reviewed by a CBSA officer in consultation with the minor's p/lg, and counsel where applicable, on a weekly basis to prevent prolonged detention;
- c. an unaccompanied minor should never be housed for more than 48 hours at an IHC except where danger to the public considerations have been raised.
- d. there shall be no comingling of unaccompanied minors and other non-familial adult detainees.
- e. no minor (accompanied or unaccompanied) shall be placed in segregation or be segregated.
- f. families must not be separated within the detention facility where possible; and
- g. there shall be access to education, recreation, medical and counselling services, and proper nutrition in accordance with detention standards and international obligations.

7. The best interests of the child (BIOC)

Mental health evidence is clear that both detention and family separation have detrimental consequences for children's well-being. The BIOC are best achieved where children are united with their families in community-based, non-custodial settings where possible.

1. On all detention decisions that affect minors, CBSA officers must consider the BIOC as a primary consideration and the BIOC assessment (to be developed) will be conducted within 24 hours of initial contact with the minor.
2. To facilitate decision-making, the BIOC is to be determined separately and prior to the decision to detain the p/lg. It needs to be reviewed on an ongoing basis (includes observations and day to day interactions) based on the legal situation of the minor and their p/lg and their well-being.
3. Officers shall use, but are not limited to, the list of factors to determine the BIOC:

- a. the child's physical, mental and emotional needs
 - b. the child's educational needs
 - c. the preservation of the family environment and maintaining relationships
 - d. the care, protection and safety of the child
 - e. the level of dependency between the child and the parent or guardian;
 - f. the child's views, if they can be reasonably ascertained; and
 - g. any other relevant factor.
4. The BIOC is to be determined on a case-by-case basis taking all relevant information related to the minor's situation into account; the interests and rights of the p/lg are taken into consideration subsequent to the BIOC determination.
 5. CBSA officers must give minors capable of forming their own views the opportunity to express those views freely in all matters regarding their detention, housing or family separation. Their views should be given due weight in accordance to their age and level of maturity. Although the officer is not bound by their views, they must be considered and duly noted in the determination of what is in the BIOC.
 6. A copy of the initial and subsequent BIOC assessments shall be provided to the p/lg; and as appropriate, to the IRB Designated Representative, Child Advocate (or private counsel) and Child Protection Services.

8. Family unity

1. Every effort must be made to preserve the family unit for overall well-being and continuity of care.
2. Families must be released with or without conditions to the greatest extent possible. Where unconditional release is not possible, an ATD should be used.
 - When p/lg are detained, and public safety (i.e. R245 Flight Risk and R246 Danger to the Public) and/or national security are **not an issue**, officers must make every effort to find an appropriate ATD.
 - Where public safety (i.e. R245 Flight Risk and R246 Danger to the Public) and/or national security **are raised**, every effort shall be made to find an ATD that sufficiently mitigates the concerns.

Below are possible scenarios that may be encountered by CBSA officers:

Scenario 1 – Where removal is not or cannot be scheduled within seven days, detention must be avoided and the family must be released using an ATD to the greatest extent possible.

Scenario 2 – May detain one parent and release the other with the minor. This may be considered when one p/lg is a danger to the public or a security concern whereby an ATD for both parents is not appropriate.

3. Though it is crucial to maintain the family unit, there may be exceptional circumstances where it is not possible. Where **an ATD is not appropriate for the family or either parent** following a thorough review of community based options and release conditions, CBSA officers with the p/lg and relatives or CBO shall find a solution for the temporary care of the minor if this is in the BIOC. Contact information of the organization and/or person charged with temporary care of the minor must be indicated in the minor's file (or the p/lg file if the minor is a Canadian citizen). Subject to their level of comprehension, the minor should be given Legal Aid and Provincial Child Advocate contact information.

Below are additional scenarios that may be encountered by CBSA officers:

Scenario 1 – Where one p/lg is deemed appropriate for release, while the other is not, the minor will join the released p/lg if this is the BIOC.

Scenario 2 – Where neither p/lg is deemed appropriate for release as there is not an ATD to sufficiently mitigate the risk they pose, the minor may be released upon the p/lg's written consent to a relative or trusted community member or accompany their detained p/lg at an IHC if this is in the BIOC.

Scenario 3 – Where both p/lg are deemed inappropriate for release since there is not an ATD to sufficiently mitigate the risk they pose, and a relative or trusted community member is not available to support release, the officer shall contact a CBO for advice on the temporary care of the minor until one detained p/lg is released, or accompany their p/lg at an IHC if it is in the BIOC.

Scenario 4 – May detain the family if removal is scheduled within seven days (travel documents are in order) and release is not a viable option e.g. , historic, consistent and willful breaches of conditions or violations of the Act or Regulations.

4. If a minor is separated from their family, access to the p/lg must be facilitated and the CBSA officer must inform them of the steps being taken, unless the provision of the information is contrary to the BIOC and compromises the safety and well-being of the minor.

9. Child protection services (CPS)

1. CPS are responsible for the safety, well-being and familial stability of children, which may involve investigations into abuse or neglect of children (Annex A). They can also connect families to community resources to address issues like mental health, settlement, temporary accommodations, and provide guidance / advice on the BIOC. Most CBOs are equipped to provide the aforementioned.
2. CBSA officers shall consult the p/lg prior to contacting CPS unless the situation falls within the duty to report under child welfare legislation. Accordingly, CBSA officers must contact CPS if abuse, neglect or other serious concerns are suspected or identified in the BIOC assessment and any time thereafter. Additional reasons for CPS contact are as follows:
 - a. A trauma experienced by a minor;
 - b. Identified safety issues while in custody due to p/lg abuse and/or neglect; and
 - c. Parents may be facing criminal charges and due to the nature of the charges, may be separated from their children (i.e. incarcerated in a separate institution).

10. Arrest and detention of a minor

1. Upon the decision to arrest and detain a minor (accompanied or unaccompanied), the CBSA officer must advise his/her supervisor immediately. The officers must note all the ATDs on the Minister's Delegate form that they considered before concluding that detention is absolutely necessary and cannot be avoided.
2. As per ENF 20, another officer must review the officer's initial detention decision. This officer is responsible for reviewing the case considering any new information and for authorizing release under A56, if justified. If, upon internal review, the detention decision is upheld, then the Immigration Division of the IRB will review the reasons for continuing with the detention within 48 hours following the start of the detention or as soon as possible thereafter. Of note, the CBSA will continue to conduct the BIOC assessments to inform the position taken at IRB reviews until release.
3. Where possible, the initial decision-maker shall take the lead in the active case management of the minor's file throughout the immigration enforcement stream for the best case oversight.
4. CBSA officers must ensure the security, safety, and protection of the minor under arrest/detention. In addition,

- a. Minors shall not be handcuffed **except in extreme circumstances**. Officers must assess the risk and act on reasonable grounds when deciding to handcuff a minor. Extreme circumstances are limited to danger to the public, threat posed to an officer(s), the public or self-harm;
 - b. CBSA officers will not handcuff detained p/lg in front of their children other than under extreme circumstances (as above) or if he/she has a violent criminal past; and
 - c. CBSA officers will not conduct personal searches or frisking of a detained p/lg in front of a minor other than under extreme circumstances (as above), or if he/she has a violent criminal past. Officers must make every effort to conduct searches outside the view of the minor, unless doing so would cause more distress to the child.
5. Regardless of the age of the person arrested, a Notice of Arrest (report), Order for Detention (form) a National Risk Assessment for Detention and Detainee Medical forms must be completed for a detention made under A55 of the IRPA. Officers must clearly articulate reasons and grounds for arrest and detention when completing the documents, and be mindful of the utmost importance of taking fulsome and complete notes supporting their decisions and actions.
6. If the detention involves an unaccompanied minor, the CBSA must notify the Canadian Red Cross Society (CRCS) immediately following the first 48hr detention review by the IRB; refer to section 15 (2) of this Directive.

11. Unaccompanied minors

1. Unaccompanied minors shall never be detained or housed at an IHC unless it is for an operational reason (e.g. POE arrival at 03:00, outside of normal business hours) and an ATD cannot be found. In the event that an unaccompanied minor is held at an IHC for more than 24 hours, a CBSA officer must conduct a BIOC assessment that includes a thorough ATD review for the purpose of release. Unaccompanied minors shall also have heightened supervision (IHC staff), and access to guards, NGO staff and/or other supports as necessary.
2. If the presence of smugglers or traffickers is a concern, the matter must be discussed with CPS to ensure that adequate protection is provided (refer to Annex A).
3. In most cases, unaccompanied minors are to be released in the care of a CBO or CPS (e.g. local Children's Aid Society where a MOU is established) if they do not have a relative or trusted community link. While in their custody, the organization will

make every effort to ensure that the minor meets CBSA's reporting requirements. Contact information of the organization, relative, trusted community member charged with temporary care of the minor or an IRB Designated Representative or lawyer must be indicated in the minor's file.

12. Housing - accompanied minors

1. Accompanied minors shall be housed at an IHC (where available) only if it has been deemed to be in the BIOC. The CBSA officer must note the ATDs considered for both or one of the p/lg before concluding that housing was absolutely necessary for the minor and/or family unity.
2. The CBSA officer must explain to the p/lg their option to accept or to refuse housing, and that their decision will not affect their immigration case; interpreter services must be offered to the p/lg to enable clarity and full comprehension of the discussion. A CBSA Supervisor or Superintendent and the minor's p/lg must provide their written consent prior to housing at an IHC (consult local IHC intake forms).

3. Documentation

Foreign National (FN) and Permanent Resident (PR) Minors: in the case of a FN or PR minor **accompanying** a detained p/lg, the following documentation must be completed:

- Accompanying Minor and Medical/Healthcare Form (to be drafted)
- Detainee Medical Form (BSF 674) - **For detained p/lg only**. The form must clearly indicate that the minor is accompanying their detained p/lg.

Canadian Citizen Minor: IRPA provides no authority to arrest and detain Canadian citizens. The following must be completed:

- Accompanying Minor and Medical/Healthcare Form(to be drafted)
- Notes should be added to the detained p/lg NCMS and/or GCMS process note to indicate that a Canadian minor is accompanying their p/lg at an IHC.

4. A p/lg may withdraw their consent at any time by informing the CBSA in writing. The CBSA may also withdraw their consent under extreme circumstances, such as:
 - Inability of the p/lg to care and ensure control of the minor resulting in harm to the minor and subject to duty of care referral under the child welfare legislation; or
 - An alternative to housing has become available for the accompanied the minor even after the 48-hour detention review.

5. If a CBSA officer considers withdrawing consent, they must justify this in writing, discuss with the p/lg, and give them an opportunity to remedy the circumstances.
6. CBSA officers shall conduct a weekly case review to reassess ATDs and the BIOC of accompanied minors.

13. Services in an IHC

In accordance with international standards, IHCs offer a secure and sanitary environment, proper nutrition, access to fresh air, access to the health care services (e.g. psychology and psychiatric supports) and recreation. Furthermore,

1. Minors shall be housed with both p/lg. to the greatest extent possible in order to the preserve family unity.
2. The IHC shall adhere to national Standard Operating Procedures for accompanied and unaccompanied minors, and the IHC Manager will be responsible for verifying that the national procedures are adhered to when a minor has been admitted for detention or housing.
3. By provincial laws, minors must go to school starting at the age of five or six and until they are between 16 and 18, depending on the province or territory. Qualified teachers will provide in-class education for minors who are at an IHC after seven-days until they are released.

14. Transportation and travel

The CBSA Enforcement Manual's Part 6 Chapter 2 on the Vehicular Transport of Persons under Arrest or Detention is applicable to detained or housed minors. It guarantees the safety and security of individuals in CBSA custody and OB PRG-2015-34 Transportation of Non-Detained Persons in Agency Vehicles while Administering CBSA Program Legislation is also relevant. The p/lg is responsible for the care and control of their children, therefore, they must be kept with them at all times that include situations when the p/lg or minor must leave the IHC for various reasons: detention review, medical appointment, court proceeding, immigration examination, etc. NOTE: Section 10 applies to this section.

15. Reporting

1. All situations involving the detention, housing or separation of the family unit must be reported immediately to the Border Operations Centre (BOC) as a significant event in the Incident Reporting Criteria (IRC) of "Child Welfare".
 - a. The regional Single Reporting Tool (SRT) OB OPS-2017-03 to the BOC must contain the following information regarding the case:
 - i. Tombstone data for the minor involved (UCI, age, gender, citizenship);
 - ii. UCI for accompanying parent or guardian (if minor is accompanied); and
 - iii. Synopsis of the case containing detailed information regarding the case including if the minor was accompanied or unaccompanied; detained (and grounds for detention), housed or separated from a detained p/lg; and detention facility where they are held.
 - b. The SRT must contain the information that was considered during the decision-making process:
 - Information regarding how the BIOC was assessed and outcome of the assessment (this is relevant for all instances involving minors (whether minors are detained, housed or separated from their detained p/lg).
 - c. The SRT must also contain the information considered regarding actions taken to mitigate detention of minors or their p/lg:
 - Information regarding how and which ATDs were considered in order to minimize the detention or housing of children, or the separation of children from their p/lg.
 - d. Once the BIOC has been conducted and ATDs have been considered, and a minor is detained or housed in a detention facility, or separated from a detained p/lg, the CBSA Officer (decision-maker) must report the case to the BOC as soon as possible.
 - e. Superintendents/managers shall ensure that a notification is sent to the BOC as outlined above.
2. At first contact with an unaccompanied minor (under the age of 18), the CBSA officer will notify the CRCS in writing as soon as possible by sending an email message to: IDMP@REDCROSS.CA On the Subject Line, indicate "Unaccompanied Minors" and the facility or location where the minor is being held.

For general information, refer to their website: <http://www.redcross.ca/how-we-help/migrant-and-refugee-services/promoting-the-rights-of-immigration-detainees>

3. Aggregate reporting on minors will be part of the detention program statistics on-line quarterly publication that will also include the separation of minors.

Annex A – Child protection services and family centres

- Atlantic
- Quebec
 - Centre jeunesse de Montréal, 514-896-3100
 - Batshaw Youth and Family Centers (Montréal), 514-935-6196
 - Centre jeunesse de la Montérégie, 450-679-0140
- Northern Ontario
 - Ontario Association of Children's Aid Societies (Ottawa, Cornwall, Lansdowne and Prescott)
 - Ontario Association of Children's Aid Societies (Thunder Bay, Sault Saint Marie and Fort Francis)
- Greater Toronto Area
 - Ontario Association of Children's Aid Societies (47 provincial societies)
 - Children's Aid Society of Toronto, 416-924-4640
 - Catholic Children's Aid Society of Toronto, 416-395-1500
 - Jewish Family and Child (Toronto), 416-638-7800
 - Peel Children's Aid Society, 888-700-0996
- Southern Ontario
 - Chatham-Kent Children's Services, 519-352-0440
(Chatham - Blenheim, Bothwell, Chatham, Chatham-Kent, Dresden, Erie Beach, Erieau, Highgate, Ridgetown, Thamesville, Tilbury, Wallaceburg, Wheatley)
 - Children's Aid Society of London and Middlesex, 888-661-6167
(London - Adelaide, Ailsa Craig, Caradoc, East Williams, Ekfrid, Glencoe, London, Lucan Biddulph, McGillivray, Metcalfe, Middlesex, Middlesex Centre, Mosa, Newbury, North Dorchester, Parkhill, Strathroy, Wardsville, West Nissouri, West Williams)
 - Children's Aid Society of Oxford County, 519-539-6176
(Woodstock - Blandford-Blenheim, East Zorra-Tavistock, Ingersoll, Norwich, Oxford, South-West Oxford, Tillsonburg, Woodstock, Zorra)
 - Family and Children's Services Niagara, 888-937-7731
(St. Catharines - Fort Erie, Grimsby, Lincoln, Niagara, Niagara Falls, Niagara-on-the-Lake, Pelham, Port Colborne, St. Catharines, Thorold, Wainfleet, Welland, West Lincoln)

- Family and Children's Services of St. Thomas and Elgin County, 519-631-1492
(St. Thomas - Aylmer, Bayham, Belmont, Central Elgin, Dutton-Dunwich, Elgin, Malahide, Port Stanley, Southwold, St. Thomas, Vienna, West Elgin, West Lorne)
- Sarnia-Lambton Children's Aid Society, 519-336-0623
(Point Edward - Alvinston, Arkona, Bosanquet, Brooke, Dawn-Euphemia, Enniskillen, Forest, Grand Bend, Lambton, Moore, Oil Springs, Petrolia, Plympton, Point Edward, Sarnia, Sombra, Thedford, Warwick, Wyoming)
- The Children's Aid Society of Haldimand and Norfolk, 519-587-5437 / 888-227-5437
(Townsend, Delhi, Dunnville, Haldimand (town), Haldimand-Norfolk (regional municipality), Nanticoke, Norfolk, Simcoe (town))
- Windsor-Essex Children's Aid Society, 800-265-5609
(Windsor - Amherstburg, Essex, Kingsville, Lakeshore, LaSalle, Leamington, Pelee Island, Tecumseh, Windsor)
- Prairies
- Pacific
 - Ministry of Children and Family Development

Annex B – Provincial definitions of a minor

In Canada, the definition of a minor child varies according to province as indicated in the table below.

Province	Definition of minor child	Definition of minor for child protection purposes
<u>British Columbia</u>	Person under 19 years	Same
<u>Alberta</u>	Person under 18 years	Same
<u>Saskatchewan</u>	Unmarried person under 16 years	Same
<u>Manitoba</u>	Person under 18 years	Same
<u>Ontario</u>	Person under 18 years	"child" means a person under the age of 16

Province	Definition of minor child	Definition of minor for child protection purposes
<u>Quebec</u>	Person under 18 years	Same
<u>Nova Scotia</u>	Person under 19 years	"child" means a person under the age of 16
<u>New Brunswick</u>	Person under 19 years	"child" means a person under the age of 16
<u>Newfoundland and Labrador</u>	Person under 16 years (youth defined as a person who is 16 years or older, but under the age of 18)	Same
<u>Prince Edward Island</u>	Person under 18 years	Same
<u>Northwest Territories</u>	Person under 19 years	"child" means a person under the age of 16
<u>Yukon</u>	Person under 19 years	"child" means a person under the age of 16
<u>Nunavut</u>	Person under 19 years	"child" means a person under the age of 16

Footnotes

- ¹ B.B. and for Justice for Children and Youth and the Minister of Citizenship and Immigration, Toronto, Ontario (August 24, 2016) – Final Order on Consent, Justice Hughes Order.
-

Date modified:

2019-09-26



Government
of Canada

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du Canada

Canada

Canada Border Services Agency

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Canada Border Services Agency

Departmental Results Framework

The CBSA provides integrated border services that support national security and public safety priorities and facilitate the free flow of admissible people and goods

Government of Canada Themes and Priorities

Open and transparent government

Improved quality, timelines and efficiency of government service delivery

Healthier democracy

Inclusive and sustainable economic growth

Help and grow the middle class

Economic growth through innovation

Increased and diversified international trade and foreign direct investment

Effective action on climate change

Modern, sustainable, resilient infrastructure that supports economic growth

Social inclusion and diversity

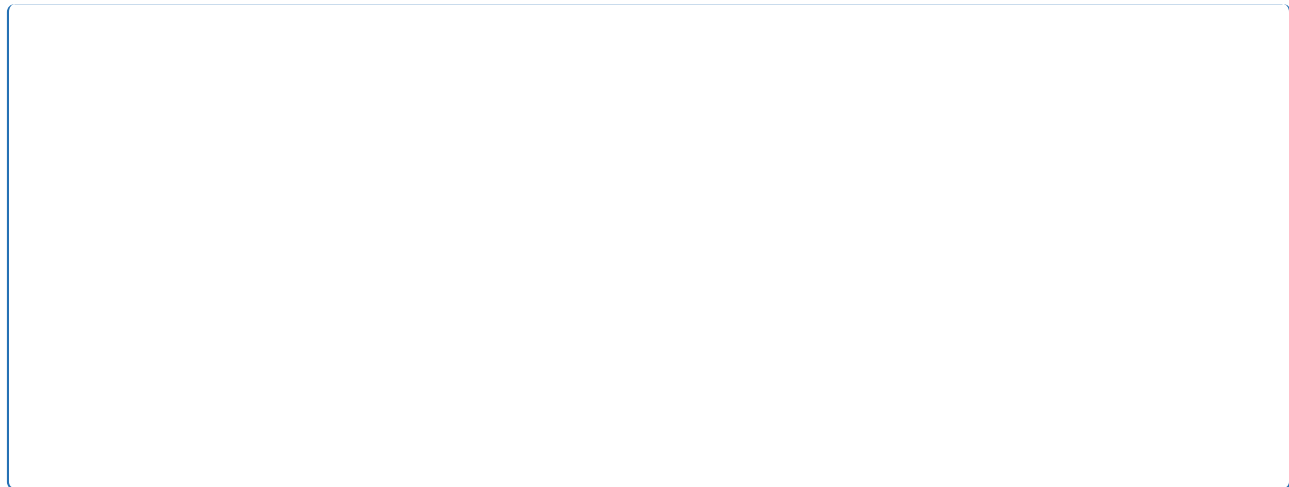
Improved relationship with and outcomes for Indigenous people

Stronger diversity and inclusion

Safer Canada

Greater safety and security for Canadians

International engagement that makes a difference in the world



Minister of Public Safety - CBSA Priorities

- Implement the National Detentions Strategy
- Investing in Infrastructure (Ports of Entry, Immigration Holding Centre Facilities)
- Irregular Migration: Safe and Secure
- Integration of Refugees and Asylum Seekers
- Passenger Protect (Entry-Exit, Interactive Advance Passenger Information System)
- Expand the existing pre-clearance (airports, train stations, travellers)
- External Review of CBSA

Core Responsibilities

Border Management

The CBSA assesses risk to identify threats, manages the free flow of admissible travellers and commercial goods into, through and out of Canada, and manages non-compliance

Departmental Results

- The CBSA's intelligence, threat and risk assessment activities support CBSA programs in the identification and interception of high-risk people, goods, and conveyances that pose a threat to the security of Canadians
- Admissible travellers are processed in an efficient manner

- Travellers and their goods are compliant with applicable legislation
- Admissible commercial goods and conveyances are processed (including the collection of revenues) in an efficient manner
- Trade partners are compliant with applicable legislation, requirements and measures
- Trusted Traveller and Trader programs increase processing efficiency of low-risk, pre-approved travellers and trade partners
- Travellers and the business community have access to timely redress mechanisms

Program Inventory

- Targeting
- Intelligence Collection and Analysis
- Security Screening
- Traveller Facilitation and Compliance
- Commercial-Trade Facilitation and Compliance
- Trusted Traveller
- Trusted Trader
- Anti-dumping and Countervailing
- Recourse
- Force Generation
- Buildings and Equipment
- Field Technology Support

Programs	Departmental results	Departmental indicators
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Programs	Departmental results	Departmental indicators
Targeting Intelligence Collection & Analysis Security Screening	The CBSA's intelligence, threat and risk assessment activities support CBSA programs in the identification and interception of high-risk people, goods, and conveyances that pose a threat to the security of Canadians	<ul style="list-style-type: none"> • Percentage of threats identified that lead to an enforcement action or inadmissibility recommendation • Ratio of the value of intelligence-led seizures to the value of non-intelligence led seizures
Traveller Facilitation and Compliance	Admissible travellers are processed in an efficient manner	<ul style="list-style-type: none"> • Percentage of time the CBSA is meeting the Highway Border Wait Times (BWT) Service Standard
	Travellers and their goods are compliant with applicable legislation	<ul style="list-style-type: none"> • Percentage of traveller examinations that produced a result (enforcement or facilitation action) • Percentage of traveller goods examinations that produced a result (enforcement or facilitation action)
Commercial-Trade Facilitation and Compliance Anti-dumping and Countervailing	Admissible commercial goods and conveyances are processed (including the collection of revenues) in an efficient manner	<ul style="list-style-type: none"> • Percentage of eligible release decisions provided within 45 minutes

Programs	Departmental results	Departmental indicators
	<p>Trade partners are compliant with applicable legislation, requirements and measures</p>	<ul style="list-style-type: none"> • Percentage of random commercial examinations that produced a result • Percentage of commercial examinations that produced a result • Return on investment (ROI) of targeted verifications • Percentage of targeted trade compliance verifications that produced a result • Percentages of imports potentially subject to anti-dumping or countervailing duties verified to ensure compliance

Programs	Departmental results	Departmental indicators
Trusted Traveller Trusted Trader	Trusted Traveller and Trader programs increase processing efficiency of low-risk, pre-approved travellers and trade partners	<ul style="list-style-type: none"> • Ratio of Trusted Travellers referred for examination compared to conventional travellers • Percentage of Trusted Travellers in compliance with legislation and program regulations • Percentage of Trusted Trader goods that are examined at the border compared to conventional trader goods • Percentage of Trusted Trader memberships cancelled as a result of enforcement or compliance issues (i.e., non-administrative)
Recourse	Travellers and the business community have access to timely redress mechanisms	<ul style="list-style-type: none"> • Percentage of enforcement and trade appeals received that are decided within established service standards
Force Generation, Buildings and Equipment, and Field Technology Support	N/A	N/A

Border Enforcement

The CBSA contributes to Canada's security by supporting the immigration and refugee system when determining a person's admissibility to Canada, taking the appropriate immigration enforcement actions when necessary, and supporting the prosecution of persons who violate our laws

Departmental Results

- Immigration investigations identify persons inadmissible to Canada
- CBSA detention decisions are risk-based and detention is used as a measure of last resort
- CBSA admissibility recommendations and appeals are upheld at the Immigration and Refugee Board of Canada
- Inadmissible persons subject to removal depart from Canada (i.e., escorted and unescorted)
- People and businesses that are referred to Crown counsel for prosecution are convicted

Program Inventory

- Immigration Investigations
- Detentions
- Hearings
- Removals
- Criminal Investigations

Programs	Departmental results	Departmental indicators
Immigration Investigations Detentions Hearings Removals	Immigration investigations identify persons inadmissible to Canada	<ul style="list-style-type: none">• Percentage of immigration investigations concluded that result in a person being identified as inadmissible to Canada

Programs	Departmental results	Departmental indicators
Criminal Investigations	CBSA detention decisions are risk-based and detention is used as a measure of last resort	<ul style="list-style-type: none"> Percentage of persons subject to detention for immigration purposes enrolled into alternative to detention programs
	CBSA admissibility recommendations and appeals are upheld at the Immigration and Refugee Board of Canada	<ul style="list-style-type: none"> Percentage of inadmissibility referrals and appeals made to the Immigration and Refugee Board that result in an inadmissibility or ineligibility determination Percentage of Ministerial interventions (at the Refugee Protection Division and the Refugee Appeals Division) and appeals that result in a negative refugee determination
	Inadmissible persons subject to removal depart from Canada (i.e., escorted or unescorted)	<ul style="list-style-type: none"> Number of persons subject to removal who voluntarily comply with their departure order Percentage of high priority foreign nationals removed (i.e., on grounds of serious inadmissibility such as criminality, war crimes, security) Median number of days to enforce a removal order from Canada

Programs	Departmental results	Departmental indicators
	People and businesses that are referred to Crown counsel for prosecution are convicted	<ul style="list-style-type: none"> Percentage of prosecutions concluded that result in a conviction

Internal Services

- Management and Oversight
- Communication Services
- Legal Services
- Human Resources Management Services
- Financial Management
- Information Management
- Information Technology
- Real Property Services
- Materiel Services
- Acquisition Services

Date modified:

2017-12-19



Canada Border
Services Agency

Agence des services
frontaliers du Canada



Canada Border Services Agency

2019–20

Departmental Plan

The Honourable Ralph Goodale, P.C., M.P.
Minister of Public Safety and Emergency Preparedness

PROTECTION • SERVICE • INTEGRITY

Canada 

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Catalogue No. PS35-8E-PDF
ISSN 2371-7505

This document is available on the Canada Border Services Agency website at
<https://www.cbsa-asfc.gc.ca>

This document is available in alternative formats upon request.

Aussi offert en français sous le titre : Plan ministériel 2019-2020

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Minister's Message

As Minister of Public Safety and Emergency Preparedness, I am pleased to present to Parliament the Canada Border Services Agency's (CBSA) Departmental Plan for 2019–20.

The CBSA has a mandate to provide integrated border services that support national security and public safety priorities, while facilitating the free flow of legitimate trade and travel. The Agency is committed to protecting the safety and security of Canadian communities, as well as the stability and prosperity of our economy.



Over the coming year, the CBSA will continue to carry out its many important duties and deal with the often unpredictable challenges that come with the job. This work requires operational readiness, technological expertise, innovative program development and, above all, a dedicated and engaged workforce.

In 2019–20, the CBSA will continue to address a variety of health, safety and security priorities. Specifically, the CBSA will manage increasing volumes at the border and continue to address threats to Canada's security, while facilitating legitimate trade and travel. Additionally, in response to the opioid crisis and the rise of gun and gang violence, the Agency will deploy enhanced techniques for opioid detection and firearms tracing as part of ongoing efforts with law enforcement partners to counteract these serious threats. To support the legalization of cannabis, the Agency will continue implementing measures to maintain border integrity and will remain vigilant in detecting signs of impaired driving at ports of entry.

The CBSA plays an equally vital role in safeguarding the health of Canada's economy. To this end, the Agency will continue to build on innovative solutions for streamlining commercial traffic, including the Secure Corridor Concept for remote processing of low-risk shipments. The Agency will also pursue innovative solutions for streamlining travel, including the deployment of automated fingerprint verification at major airports across the country, facilitating the entry of admissible travellers into Canada.

Finally, the CBSA will advance Agency-wide modernization efforts to strengthen its management foundation and enhance its capabilities to respond effectively to the evolving border environment. In particular, the Agency will transition to a functional management model providing better support and accountability for its strategic decision-making processes along its three main business lines: traveller, commercial and trade, and enforcement and intelligence.

I am honoured to serve as the Minister responsible for the CBSA. Over the coming year, I have every confidence that the Agency will continue to deliver on the Government's priorities and meet the expectations of Canadians.

The Honourable Ralph Goodale, P.C., M.P.
Minister of Public Safety and Emergency Preparedness

Plans at a glance and operating context

Transition and transformation

In 2019–20, the CBSA will continue to be faced with a rapidly changing border environment characterized by rising volumes across all lines of business as well as increasingly complex security and international concerns. As such, demands on the Agency's resource base will continue to increase. These perennial challenges, along with the associated governmental and societal expectations to overcome them, continually raise the bar for the delivery of integrated border management. In particular, the Agency must contend with the following realities:

- travellers and goods are crossing the border in progressively greater numbers each year;
- national security threats are constantly emerging and evolving, requiring continual readjustment of the Agency's methods of work at the border; and
- the Agency strives to keep pace with shifting national and global trends, as well as increasing volumes of travellers and goods, within the scope of the Agency's current resources.

Last fiscal year, the Agency successfully completed a comprehensive review of all its managerial and operational areas, including its workforce, infrastructure, organizational design, business management approach, revenue collection activities and innovation agenda, with a view to realigning its program management and undertaking an extensive suite of modernization efforts.

This significant transformational journey, driven by the contextual elements cited above as well as the Agency's capabilities for change management, begins with engaging employees in building the culture that is needed for the future. This will progress throughout 2019–20 as the Agency continues to examine all aspects of its business, including identifying options and resource requirements for improving its organizational health and sustainability, in order to deliver modernized and integrated border services. In addition, the Agency will be refining its departmental performance indicators to ensure that they are realistic and reflective of the Agency's dynamic operating context and evolving expectations for border management.

Operating context

To support the priorities of security, public safety and trade facilitation enshrined in the CBSA's mandate, the Agency continues to shift its business model toward focusing efforts and resources on high-risk persons and goods, while expediting the free flow of low-risk persons and goods into Canada.

The CBSA operates in a complex and dynamic environment where it must remain **responsive** to evolving threats, **adaptive** to global economic trends, and **innovative** in its use of technology to manage increasing cross-border volumes.

The **opioid crisis** continues to pose a serious threat to the safety of Canadians. Together with domestic and international partners, the CBSA is working to enhance detection capabilities for opioids through the development of new tools and methods, as smugglers often attempt to circumvent existing controls by altering the chemical compounds of opioid substances. Additionally, in support of the Government of Canada's decision to legalize cannabis, the Agency remains vigilant in working with law enforcement partners and establishing compliance management tools to maintain border integrity and discourage the illicit cross-border movement of cannabis.

In recent years, rates of **gun and gang violence** have been steadily increasing in Canada. The Minister of Public Safety and Emergency Preparedness convened a [Summit on Gun and Gang Violence](#)ⁱ in March 2018 to establish priority actions geared toward its reduction. In collaboration with law enforcement partners, the CBSA remains vigilant in combatting the illegal smuggling of firearms.

Driven by the growing prevalence of **e-commerce**, the CBSA strives to keep pace with rising volumes in the postal and courier modes, as well as emerging risks in the international supply chain, while maintaining an effective balance between trade facilitation and customs enforcement. Concurrently, upward trends in **global migration** have resulted in the arrival of increased numbers of asylum seekers to Canada, placing additional demands on the Agency's resources.

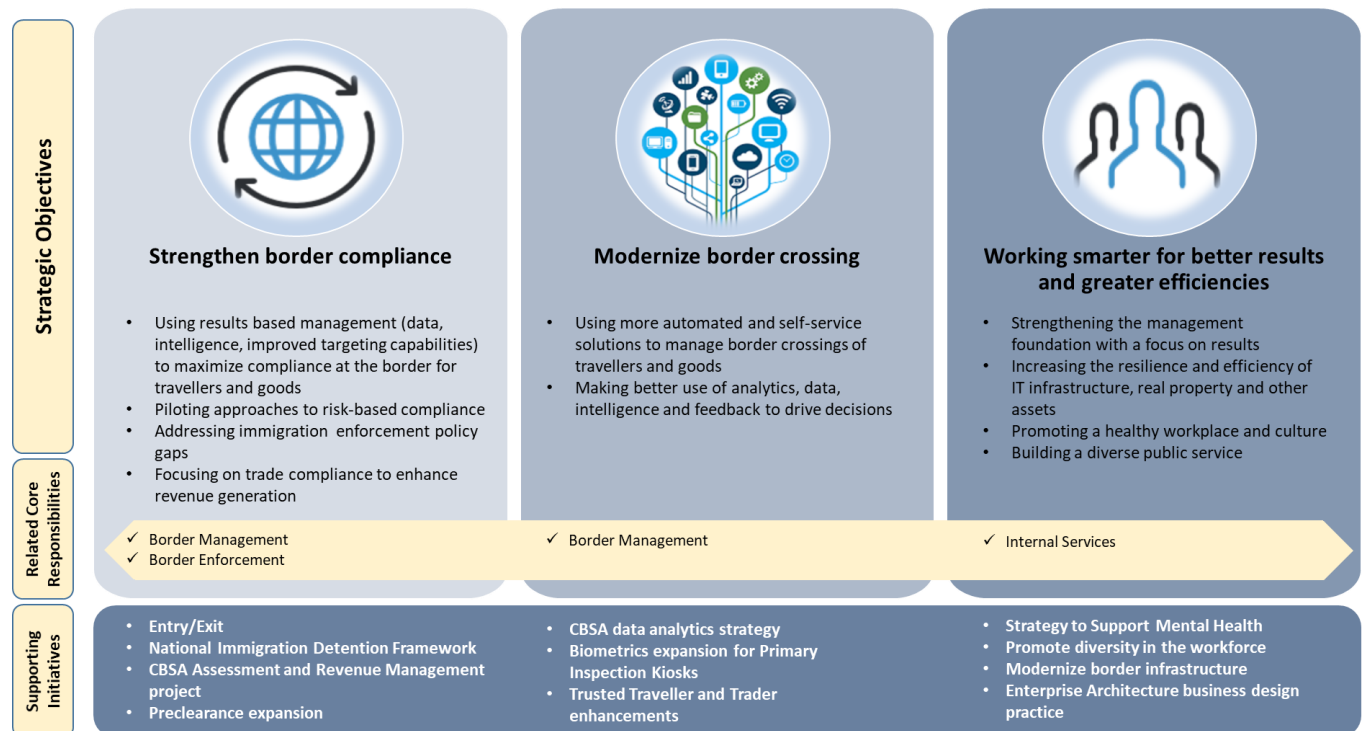
The CBSA plays a vital role in the prosperity and competitiveness of Canada's **economy**. Through its trade programs, the Agency continues to promote economic benefits and protections for Canadian industry by administering domestic trade legislation and international free trade agreements. In particular, the CBSA is preparing to implement new and amended trade requirements following ratification of the Canada-United States-Mexico Agreement (CUSMA) which was trilaterally signed in November 2018, as well as the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) which was signed in March 2018 by all eleven member countries.

While the CBSA has high-profile responsibilities to screen imported goods (e.g., \$561 billion worth in 2017) for health, safety and security concerns, the Agency also collects approximately \$32 billion annually in applicable duties and taxes on these goods. Accounting for these goods and assessing the applicable duties and taxes involves extensive administration by both importers and government. As such, the Agency is in the process of modernizing its customs accounting processes and replacing existing systems with a unified solution called CBSA Assessment and Revenue Management (CARM), a large-scale business transformation enabled by information technology (IT) that will redesign customs information requirements, processes and systems to simplify the accounting process for the trade community and the Agency alike.

Recognizing that the success of the Agency’s transformation depends upon the continued productivity of its workforce, the Agency is advancing efforts to develop the character of its leaders and build a healthy, adaptive culture. In 2019–20, the Agency will initiate the implementation of new management structures and processes to better align its program management activities with its [Departmental Results Framework](#).ⁱⁱ

Plans at a glance

Over the coming year, the CBSA will continue to fulfill its mandate, modernize its business, engage its people, and improve its programs and services in order to safeguard Canada’s borders and economy, while facilitating legitimate trade and travel. An overview of the Agency’s planned results for 2019–20 is provided below in line with the key objectives outlined in the Agency’s three-year Strategic Framework pictured below.



Strengthening border compliance

The CBSA will continue to refine security screening activities to enable the timely identification of inadmissible persons, while implementing measures to improve Canada’s immigration detention system in line with the National Immigration Detention Framework. The improvements for national security screening will be achieved through ongoing training for IRCC and CBSA staff on emerging national security inadmissibility issues, ensuring timely

availability of relevant information for admissibility decisions, and continual identification of opportunities to improve internal processes and leverage technology. The Agency will also continue with the Entry/Exit initiative to enhance compliance management capabilities through information sharing with the United States (US).

In collaboration with United States Customs and Border Protection (US CBP), the Agency will pursue opportunities for preclearance operations in both the traveller and commercial streams to assess compliance in advance of travellers and goods reaching the border. In addition, the Agency plans to begin the implementation phase of the CARM project which aims to strengthen oversight of compliance with trade requirements through automated assessment and collection of revenues.

In response to the opioid crisis, the CBSA will continue to engage with the Royal Canadian Mounted Police (RCMP) to reduce opioid smuggling through the identification and interdiction of illicit drugs. In support of cannabis legalization, the CBSA will continue to monitor and implement measures to maintain border integrity, while remaining vigilant in detecting signs of impaired driving at ports of entry. Specifically, the Agency will advance the development of administrative monetary penalties as an additional compliance management tool to discourage the illegal cross-border movement of cannabis.

The Agency is working in collaboration with the Canadian Food Inspection Agency (CFIA) to increase vigilance regarding potential routes of entry of items that pose a risk of introducing African swine fever to Canada. The Agency has taken steps to ensure all border services officers have been made aware of the impact of the African swine fever and is strategically deploying its resources to focus on personally and commercially imported goods arriving from affected countries.

Modernizing border crossing

By leveraging technological innovations and data analytics, the CBSA will continue to deploy automated solutions to modernize and streamline the border experience. For example, the Agency will continue to implement automated fingerprint verification at major airports through biometrics to confirm the identity and admissibility of travellers in a secure and efficient manner.

In addition, the CBSA will proceed with the modernization of its Trusted Traveller and Trusted Trader programs. For example, the Agency will pilot facial biometric verification technology within its NEXUS program, and will continue to test the viability of remote commercial processing in the highway mode through the pilot of the Secure Corridor Concept.

Working smarter for better results and greater efficiencies

The CBSA will continue to examine all aspects of its business and leverage modern Enterprise Architecture practices in order to identify options for improving organizational health and sustainability. In particular, the Agency will finalize a new results-based organizational structure, supporting greater accountability and strategic decision-making in program management and resource allocation.

The Agency will also continue efforts to modernize its border infrastructure, information management and IT, including improving its real property portfolio, supporting the Federal Science and Technology Infrastructure Initiative, upgrading some of the Agency’s aging systems and equipment, adopting some initial cloud computing practices over the next three years, and strengthening cyber security defence mechanisms.

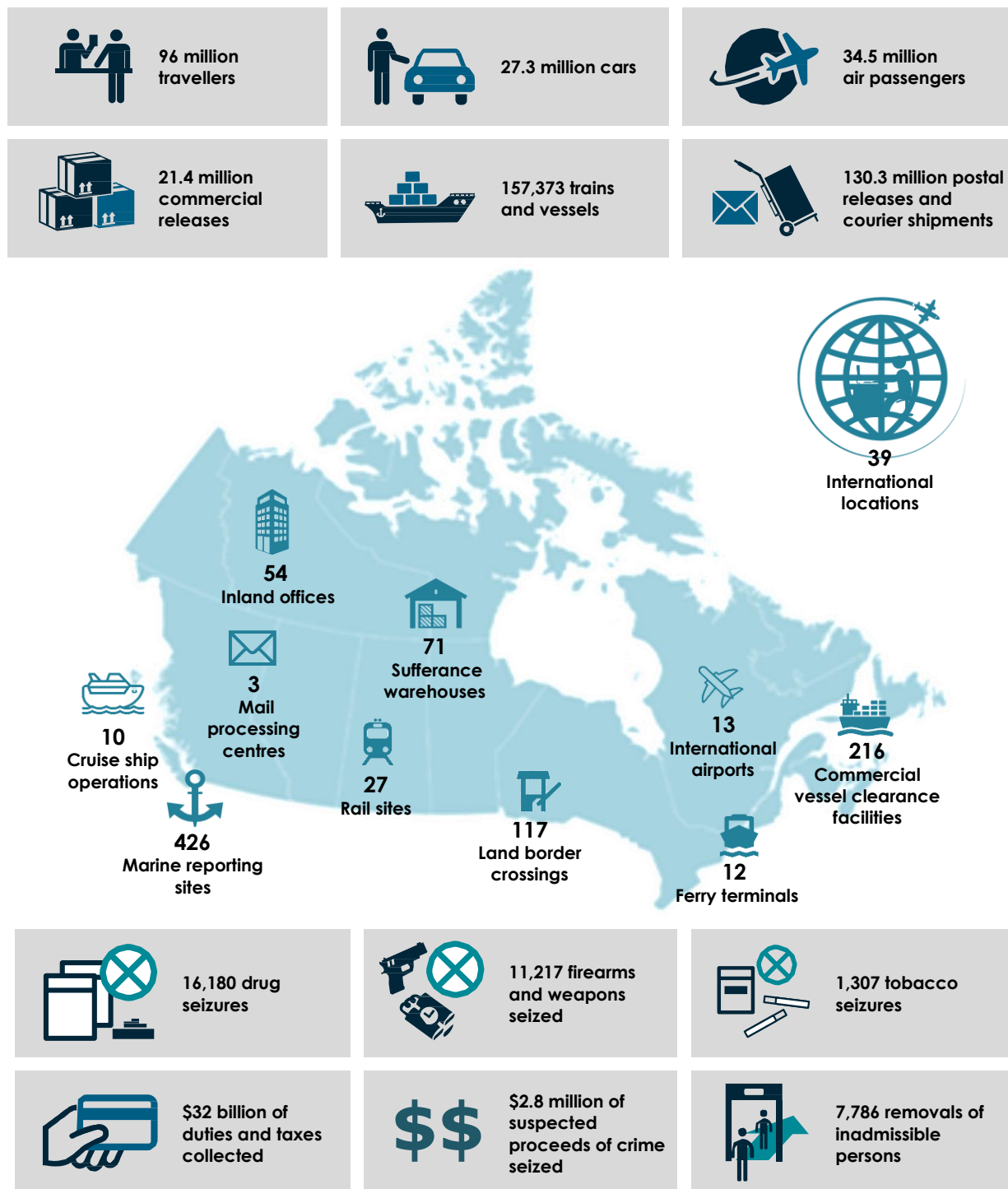
Recognizing the widespread diversity inherent to Canada’s national identity, the CBSA will continue to support the Government of Canada’s reconciliation efforts with Indigenous peoples. The Agency is committed to being a leading organization that engages, respects, cooperates and partners with Indigenous peoples to provide integrated border services.

Last fiscal year, the CBSA established an Indigenous Affairs Secretariat to provide an Indigenous perspective in support of the ongoing work to implement the Agency’s Indigenous Framework and Strategy (IFS). Moving into 2019–20, the IFS includes an innovative approach to co-develop strategies using design thinking with Indigenous partners in order to address the issues identified in the [Report on First Nation Border Crossing Issues](#).ⁱⁱⁱ

For more information on the CBSA’s plans, priorities and planned results, see the “[Planned results](#)” section of this report.

CBSA services at a glance

The CBSA processes millions of travellers and shipments every year and provides services at multiple points across Canada and abroad, including the following (based on 2017–18 data):



Planned results: what we want to achieve this year and beyond

Financial, human resources and performance information for the CBSA's Program Inventory is available in the [GC InfoBase](#).^{iv}

Core Responsibilities

Border Management

Description

The CBSA assesses risk to identify threats, manages the free flow of admissible travellers and commercial goods into, through and out of Canada, and manages non-compliance.

Planning highlights

The CBSA will continue to improve its programs and services throughout the travel and trade continuum to ensure effective and efficient border management. This will involve further developing data analytics and targeting capabilities, modernizing border technology and infrastructure, and enhancing processes for border facilitation and compliance with customs requirements.

In 2019–20, the CBSA plans to achieve the following results under its core responsibility of Border Management:

The CBSA's intelligence, threat and risk assessment activities support CBSA programs in the identification and interception of high-risk people, goods and conveyances that pose a threat to the security of Canadians

The opioid crisis continues to pose a serious threat to the safety and security of Canadians. The CBSA will increase efforts to combat opioid smuggling through the identification and interdiction of illicit drugs, with a particular focus on fentanyl and other highly toxic substances through the deployment of technology and detector dogs. Together with the Royal Canadian Mounted Police (RCMP), the CBSA will continue to improve controls to reduce the supply of illicit drugs through the postal stream, including the establishment of additional safe examination areas and regional screening facilities.

The CBSA remains committed to working with security screening partners, including the RCMP, Immigration, Refugees and Citizenship Canada (IRCC), and the Canadian Security Intelligence Service, to optimize screening processes. Specifically, the Agency will continue working with partners to reduce the security screening inventory, ensuring that cases are screened in a timely

fashion and reducing the potential for postponements at the Immigration and Refugee Board (IRB).

The CBSA hopes to conclude the Passenger Name Record (PNR) agreement between Canada and the European Union (EU), which will ensure that commercial air carriers based in the EU continue to provide PNR data to the CBSA for risk assessment purposes and will allow the Agency to conduct its targeting activities earlier in the air travel continuum.

Admissible travellers are processed in an efficient manner

To enhance the CBSA's capacity for processing of travellers in the air mode, the Agency will continue the introduction of automated fingerprint verification at major airports through Primary Inspection Kiosks (PIK). This functionality represents a major step forward in the Agency's use of biometrics to confirm the identity and facilitate the entry of admissible travellers in a secure and efficient manner. In addition, PIK will be deployed at Calgary International Airport as part of the Agency's continued expansion of PIK across the country.

Following the successful pilot of a streamlined International to Domestic baggage process at airports in Toronto, Vancouver, Calgary and Montréal, the CBSA will collaborate with the air industry on integrating this process as part of regular air traveller processing. For eligible travellers who are arriving internationally and transferring domestically, this process allows their baggage to be transferred directly to their final destination, except in circumstances where a secondary examination is warranted, thereby simplifying the connection process for the majority of connecting travellers. Once fully implemented, this process will represent a significant milestone in the CBSA's efforts to develop innovative and facilitative solutions for border processing.

Travellers and their goods are compliant with applicable legislation

Following the legalization of recreational cannabis in October 2018, the CBSA will continue to implement measures to maintain and monitor border integrity, including questioning travellers regarding cannabis importation in the primary inspection line and disseminating public awareness tools. In addition, developments to the CBSA's Administrative Monetary Penalty System will provide an additional compliance management tool to further discourage the illegal cross-border movement of cannabis.

The CBSA will remain vigilant in detecting signs of impaired driving at ports of entry. In 2019–20, the Agency will be delivering training to border services officers (BSOs) on screening methods for drug-impaired driving to ensure compliance with Canadian legislation at the border.

In managing compliance with applicable legislation, the CBSA will seek to expand the information sharing system between Canada and the United States (US) through the Entry/Exit

initiative, whereby the record of a land entry into one country can be used as the exit record from the other for all travellers.

Finally, the Agency will continue bilateral discussions with US CBP to assess the future potential for Canadian preclearance operations in the US.

Admissible commercial goods and conveyances are processed (including the collection of revenues) in an efficient manner

In support of the Government of Canada's commitment to trade facilitation, the Agency will build upon the cargo preclearance pilot program in collaboration with US CBP, and will proceed with the Bi-National Rail Cargo Pre-Screening Pilot as a proof of concept for future potential cargo preclearance operations. The long-term goal is to expedite the flow of legitimate cargo and conveyances between Canada and the US, while targeting and interdicting high-risk cargo and conveyances earlier in the trade chain.

The CBSA will continue the development of an Agency-wide strategy to support international e-commerce and will continue collaborations with the Canada Post Corporation to manage increasing postal volumes and peak periods.

Trade partners are compliant with applicable legislation, requirements and measures

In 2019–20, as part of the Agency's efforts to improve its commercial examination process, the Agency will open and begin operation of the Tsawwassen Marine Container Examination Facility (MCEF) in Roberts Bank, British Columbia. The completion of this facility is the culmination of substantial efforts between the CBSA and the Vancouver Fraser Port Authority. The CBSA will also work toward improving its examination capacity by developing and deploying new detection tools and procedures within its facilities, including the new MCEF in Roberts Bank.

To strengthen trade compliance, the CBSA Assessment and Revenue Management (CARM) project will automate the processes required to assess, collect, manage and report on revenue, and will further enable importers to self-assess and comply with Canada's trade requirements. In 2019–20, the Agency plans to proceed with the detailed design and build phase of the CARM project, involving ongoing work with a third-party vendor and engagement with key stakeholders. CARM will incrementally release modernized functionality beginning in 2020–21. The initial release will modernize the Agency's revenue management systems and provide external clients with foundational self-serve options (e.g., the ability to view their account information) through the introduction of a portal. Once fully implemented in 2021–22, CARM will address the Agency's risk of inaccurately assessing duties and taxes owing on imported goods, while deterring wilful non-compliance with Canada's trade requirements.

The CBSA will continue to build the compliance regime for customs duties following reviews completed in response to the Auditor General of Canada's [Spring 2017 Report](#).^v For example, the Agency has introduced an import permit review process to ensure proper use of import permits for goods subject to Tariff Rate Quotas.

To facilitate compliance, the CBSA will continue to provide trade chain partners with timely access to laws, interpretations (including advance rulings), and information on trade-related matters. The Agency will also continue to protect Canadian industry from unfair trade practices through its administration of the Anti-Dumping and Countervailing Program, supported by increased investigative proceedings and duty enforcement under the *Special Import Measures Act* (SIMA). In support of these objectives, the Agency plans to accomplish the following in 2019–20:

- issue advance rulings for tariff classification and origin, as well as National Customs Rulings, within a 120-day service standard;
- complete a review of the current time period allowed for changes to import declarations; and
- complete the hiring process for up to 40 additional officers to conduct SIMA investigations and SIMA duty enforcement in response to ongoing volatility in the trade environment.

In support of Canada's trade agenda, the CBSA will administer updated trade requirements arising from newly signed free trade agreements such as the CUSMA and the CPTPP.

Trusted Traveller and Trader programs increase processing efficiency of low-risk, pre-approved travellers and trade partners

The CBSA will work toward the second phase of a trilateral Trusted Traveller arrangement with the US and Mexico, allowing eligible Canadians to apply to Mexico's domestic Trusted Traveller program, *Viajero Confiable*. Mexican nationals are already able to apply to the NEXUS program.

As part of a NEXUS modernization pilot project, the CBSA will pilot a simplified passage process by deploying facial biometric verification technology for NEXUS members using a phased-in approach, commencing with the Vancouver International Airport in 2019–20. In addition, building on the pilot conducted at the Peace Bridge in Fort Erie, Ontario, the Agency will continue to assess the viability of expanding NEXUS eGate at additional ports of entry, which will allow inbound NEXUS lane privileges to be extended during off-peak hours.

The Agency will continue to develop relationships with international partners to address challenges and identify opportunities to modernize border crossing and improve service delivery for low-risk, pre-approved traders. To this end, the Agency will continue to advance Mutual

Recognition Arrangement (MRA) negotiations with the EU, China, Hong Kong and New Zealand, and will pursue new MRAs with priority countries as existing negotiations conclude.

Building upon the expedited processing that members of the CBSA's Trusted Trader programs currently receive, the Agency will continue to pilot the Secure Corridor Concept in the highway mode by testing technologies for remote processing, including an integrated commercial-traveller interface for BSOs. The intended goal of this pilot is to expedite processing and increase throughput at the border for pre-approved, low-risk commercial drivers and goods.

Travellers and the business community have access to timely redress mechanisms

The Recourse Program provides travellers and businesses with an accessible mechanism to seek an impartial review of CBSA decisions, as well as to voice any feedback or complaints, in accordance with policies and legislation administered by the Agency.

In 2019–20, the Recourse Program will continue to implement recommendations from the 2017 [Recourse Program Evaluation](#)^{vi} in order to maintain effective and efficient redress mechanisms. Based on a comprehensive review of the current trade appeal process, the Agency will advance its action plan consisting of 55 recommendations to improve the efficiency and effectiveness of service delivery. Specific deliverables for 2019–20 include:

- publishing Recourse statistics on the CBSA's website, such as appeal results and average processing times; and
- improving information management by utilizing technologies as they become available, such as GCcase to replace the Recourse Content Management System.

The CBSA continues to invest in its people and infrastructure

The Agency will continue to strengthen its frontline workforce through the Force Generation Program which consolidates the recruitment, training and development of BSOs and BSO trainees. The program is not only responsible for the training and development of future BSOs, but also the job communities that use the BSO population as a feeder group across all CBSA functions.

In 2019–20, the Agency will stabilize the Force Generation Program in line with attrition trends, which is expected to deliver over 300 new recruits to the frontline. The Agency will also continue to develop targeted recruitment strategies in order to support Employment Equity objectives and attract people from across the country to join the Agency's frontline workforce.

The CBSA will advance work with internal and external partners to build on successes and better understand potential barriers to employment within the Agency. The Agency will launch a Gender-based Analysis Plus (GBA+) review of its Officer Induction Training Program to

eliminate barriers to recruitment. The Agency will also develop a multi-year action plan to respond to the findings of the review.

National Training Standards will be expanded beyond the frontline for the first time through a pilot in the Agency's corporate functions. These standards are used by individuals and managers alike in performance management and business planning to guide workforce development, further ensuring that the right people are in the right place with the right skills. Building on the CBSA's Indigenous Training Strategy and increasing awareness, the Agency will implement online training for BSOs on the processing of Indigenous travellers, including a module on sacred Indigenous goods that BSOs may come across while conducting examinations at ports of entry.

The CBSA will continue to collaborate with the Windsor-Detroit Bridge Authority and the Canadian Transit Corporation on the Gordie Howe International Bridge Project and the Ambassador Bridge Enhancement Project, respectively. For both projects, in 2019–20, the CBSA will work to confirm requirements with a view to ensuring that the facilities are sufficient to carry out the Agency's mandate. In addition, the Agency will advance plans for recruitment and training of new BSOs to staff the Gordie Howe International Bridge.

The CBSA will also continue to refine its Real Property Investment Strategy which renews its real property portfolio against ongoing and new program requirements, while fostering innovation through the maintenance and modernization of the Agency's ports of entry and business processes. In particular, the Agency will focus on the Land Border Crossing Project, which includes multi-year plans to refurbish a number of custodial land ports of entry.

Additional efforts to upgrade aging infrastructure include the planned replacement of the Canadian Automated Export Declaration system. In 2019–20, the CBSA will be implementing a new system called the Canadian Export Reporting System. Industry stakeholders will begin using the new system shortly after it becomes operational.

The CBSA will continue to collaborate with participating government departments as well as the private sector to advance the implementation of the Single Window Initiative and assist trade chain partners with their transition to the new Integrated Import Declaration service.

Planned results

Departmental Results	Departmental Result Indicators	Target ¹	Date to achieve target	2015–16 Actual results ²	2016–17 Actual results ²	2017–18 Actual results ²
The CBSA's intelligence, threat and risk assessment activities support CBSA programs in the identification and interception of high-risk	Percentage of threats identified that lead to an enforcement action or inadmissibility recommendation ³	At least 18.00%	March 2020	10.40%	4.00%	3.00%

2019–20 Departmental Plan

people, goods, and conveyances that pose a threat to the security of Canadians	Ratio of the value of intelligence-led seizures to the value of non-intelligence led seizures	At least 20:1	March 2020	15:1	110:1	35:1
Admissible travellers are processed in an efficient manner	Percentage of time the CBSA is meeting the Highway Border Wait Times (BWT) Service Standard	At least 95%	March 2020	97.20%	97.64%	98.2%
	Percentage of travellers using Primary Inspection Kiosks (PIK) at PIK-enabled airports	At least 95%	March 2020	Not applicable	Not applicable	Not applicable
	Actual availability of Primary Inspection Kiosks as a percentage of planned availability	At least 99%	March 2020	Not applicable	Not applicable	Not applicable
Travellers and their goods are compliant with applicable legislation	Percentage of traveller examinations that produced a result (enforcement or facilitation action)	At least 31%	March 2020	31.21%	33.05%	30.7%
	Percentage of traveller goods examinations that produced a result (enforcement or facilitation action)	At least 20%	March 2020	22.50%	23.48%	18.2%
Admissible commercial goods and conveyances are processed (including the collection of revenues) in an efficient manner	Percentage of time the CBSA met the commercial Highway Border Wait Time Service Standard ⁴	At least 90%	March 2020	Not applicable	Not applicable	Not applicable
	Percentage of eligible release decisions provided within established timeframes	TBD by Summer 2019	March 2020	Not applicable	Not applicable	Not applicable
	Actual availability of Single Windows as a percentage of planned availability	At least 99%	March 2020	Not applicable	Not applicable	Not applicable
Trade partners are compliant with applicable legislation, requirements and measures	Percentage of random commercial examinations that produced a result ⁵	At most 1.0%	March 2020	0.41%	0.24%	0.26%
	Percentage of high-risk commercial goods targeted by the National Targeting Center (NTC) that are examined at the border	TBD by Summer 2019	March 2020	Not applicable	94.6%	94.3%
	Percentage of commercial examinations that produced a result against a trader ⁶	At least 1.5%	March 2020	1.6%	1.40%	1.31%
	Percentage of penalties applied against traders representing continued non-compliance	TBD by Summer 2019	March 2020	Not applicable	21%	61%
	Return on investment (ROI) for targeted verifications ⁷	At least 8:1	March 2020	4:1	14:1	17:1

	Percentage of revenue-based targeted trade compliance verifications that yielded a result ⁸	At least 60%	March 2020	52%	51%	44%
	Percentage of imports potentially subject to anti-dumping or countervailing duties verified to ensure compliance ⁹	At least 80% of the value for duty of potentially subject goods	March 2020	Not applicable	88.4%	85%
Trusted Traveller and Trader programs increase processing efficiency of low-risk, pre-approved travellers and trade partners	Percentage of time the CBSA is meeting the NEXUS Highway BWT Service Standard	At least 95%	March 2020	Not applicable	Not applicable	Not applicable
	Ratio of Trusted Travellers referred for examination compared to conventional travellers	At most 1:5	March 2020	1:6	1:5	1:4
	Percentage of Trusted Travellers in compliance with legislation and program regulations	At least 95%	March 2020	99.97%	99.98%	99.89%
	Ratio of conventional traders and their goods that are examined at the border compared to Trusted Traders and their goods	At least 2.5:1	March 2020	2.1:1	4:1	4.6:1
	Percentage of trade by value of goods imported into Canada by participants in CBSA's Trusted Trader programs	At least 25%	March 2020	Not applicable	31%	27%
Travellers and the business community have access to timely redress mechanisms	Percentage of enforcement and trade appeals received that are decided within established service standards ¹⁰	At least 70%	March 2020	Trade Appeals:		
				52%	52%	46%
				Enforcement Appeals:		
				85%	70%	80%

1 Given that the targets listed in the table may differ from the targets used in past years, comparing the historical results presented in the table against the current targets for 2019–20 may not convey the actual performance achieved in past years.

2 Given that the indicators listed in the table are based on the CBSA's new Departmental Results Framework, historical results are not applicable for some indicators because the Agency's old Program Alignment Architecture was used as the reporting framework up to 2017–18.

3 The Agency will be revising this indicator to better reflect performance going forward.

4 This indicator is based on a service standard of 45 minutes.

5 Random exams are performed to determine an overall baseline of commercial compliance of importers. The target maximum of 1% reflects the Agency's threshold of resultant random commercial examinations. Higher than 1% would indicate that trade partners are not sufficiently informed, deterred and supported to be compliant with applicable legislation, requirements and measures.

6 Commercial examinations are performed to determine the overall commercial compliance of importers. The target maximum of 1.5% reflects the Agency's threshold of all resultant commercial examinations, based on all referrals. Higher than 1.5% would indicate that trade partners are not sufficiently informed, deterred and supported to be compliant with applicable legislation, requirements and measures.

- 7 This indicator measures the ratio of the revenues assessed versus the salary expended in conducting verifications. High revenues assessed (greater than eight times the salary expected) is positive.
- 8 Targeted verifications are selected based on an assessment of risk in order to ensure that accurate declarations are being submitted and that appropriate dues are being paid. The indicator validates the risk assessment being used to determine targets and confirms the efficient use of resources in conducting targeted compliance verifications. A result of 60% or more indicates that we selected the right high-risk goods for verification.
- 9 The CBSA's goal is to review and verify at least 80% of the total value for duty for of imported goods that are potentially subject to anti-dumping or countervailing duties. This higher verification rate is necessary to protect Canadian industry from unfair foreign competition and to ensure the appropriate amount of duties are collected.
- 10 In future years, the CBSA intends to split this indicator into two separate indicators for trade appeals and enforcement appeals, aligning with the reporting method used in past years.

Budgetary financial resources (dollars)

2019–20 Main Estimates	2019–20 Planned spending	2020–21 Planned spending	2021–22 Planned spending
1,282,523,110	1,282,523,110	1,258,434,938	1,191,381,281

Human resources (full-time equivalents)

2019–20 Planned full-time equivalents	2020–21 Planned full-time equivalents	2021–22 Planned full-time equivalents
10,551	10,525	10,396

Border Enforcement

Description

The CBSA contributes to Canada's security by supporting the immigration and refugee system when determining a person's admissibility to Canada, taking the appropriate immigration enforcement actions when necessary, and supporting the prosecution of persons who violate our laws.

Planning highlights

The CBSA will continue to improve the efficiency, effectiveness and integrity of its activities throughout the immigration enforcement continuum. This will involve reviewing and modernizing policies, programs, regulations and procedures to support the enforcement of Canadian laws while upholding Canadian values. The Agency will continue to review and improve its inadmissibility policies and immigration enforcement responsibilities, including identifying and removing inadmissible persons, combatting cross-border smuggling and organized crime, and ensuring a humane immigration detention system. The Agency will also continue to address regulatory gaps identified by the Standing Committee for the Scrutiny of Regulations, including finalizing amendments related to seizure authorities as well as addressing concerns related to deposits and guarantees under the *Immigration and Refugee Protection Act*.

In 2019–20, the CBSA plans to achieve the following results under its core responsibility of Border Enforcement:

Immigration investigations identify persons inadmissible to Canada

Recent years have seen an increase in the number of asylum seekers arriving at Canada's border, both at and between designated land ports of entry. There are many unpredictable factors outside of the Agency's control that will influence future fluctuations in cross-border volumes. As such, the CBSA will continue to collaborate with the RCMP, IRCC, Public Safety Canada and the Public Health Agency of Canada to ensure that the CBSA is able to respond to these increasing volumes, informed by lessons learned through processing improvements made during the past two years.

CBSA detention decisions are risk-based and detention is used as a measure of last resort

In support of the Minister's commitment to create a better and fairer immigration detention system, and in conjunction with the [Ministerial Direction to the CBSA on Minors in Canada's Immigration Detention System](#),^{vii} the CBSA will continue to implement measures to improve the immigration detention program in Canada through ongoing policy and programmatic changes under the National Immigration Detention Framework.

The Agency will continue to ensure that detention is used as a measure of last resort and that alternatives to detention are always considered. In support of continued efforts to reduce the number of minors detained or housed in CBSA detention facilities for immigration purposes, the Agency will finalize regulatory changes to better account for the Best Interests of the Child in an immigration detention context.

Additionally, the CBSA will open a new Immigration Holding Centre (IHC) in Surrey, British Columbia in 2019–20. The Agency will also begin the construction of a new IHC in Laval, Quebec, as well as complete the retrofit of the current IHC in the Greater Toronto Area (GTA), enabling the housing of higher-risk detainees in line with commitments to reduce reliance on provincial correctional facilities. In doing so, the Agency will support efforts to ensure consistent treatment of immigration detainees by providing equal access to programs and services within IHCs across Canada.

The CBSA will continue supporting the delivery of the alternatives to detention program, resulting in effective risk-based detention decisions, and will finalize memoranda of understanding with provincial authorities to standardize the care of immigration detainees in provincial correctional facilities. Furthermore, the Agency will continue the development of a medical services program aimed at addressing the needs of detained individuals through targeted and specialized care and access to services.

To ensure ongoing transparency and accountability, the Agency will continue publishing [detention statistics](#)^{viii} on a quarterly and annual basis, as well as the annual Canadian Red Cross detention monitoring report and action plan.

CBSA admissibility recommendations and appeals are upheld at the Immigration and Refugee Board of Canada

The Agency will work closely with the IRB to transform the detention review process and build upon the IRB [Audit on Long-term Detention Reviews](#).^{ix} This will be achieved by updating the Enforcement Manual section on “Admissibility, Hearings and Detention Review Proceedings.” In addition, the Agency will deliver a new Hearings Fundamentals Course to improve the development of the Minister’s representatives in their role before the IRB.

Inadmissible persons subject to removal depart from Canada (i.e., escorted or unescorted)

To ensure the departure from Canada of inadmissible persons subject to removal, the Agency will continue working to enhance its capacity to remove foreign national criminals, failed refugee claimants, and other inadmissible persons. In support of this work, the Agency will implement a National Removal Strategy, negotiate readmission arrangements, and leverage technology and partnerships in support of more effective removals.

Increased program efficiency will be achieved through greater national coordination of removal activities, supported by an augmentation of resources in Budget 2018. Together with IRCC, Global Affairs Canada and Public Safety Canada, the CBSA is working to develop engagement strategies with countries where the Agency has identified challenges in obtaining the required travel documents to remove persons from Canada.

People and businesses that are referred to Crown counsel for prosecution are convicted

The CBSA will continue to build its capacity to investigate and prosecute people and business entities that violate Canada's border-related legislation. The CBSA will focus its efforts on complex cases of fraud, aimed primarily at individuals and organizations posing a threat to Canada's immigration system and the Canadian economy. In the coming fiscal year, this will be accomplished through improved focus on priority cases (i.e., complex cases) over non-priority cases.

Planned results

Departmental Results	Departmental Result Indicators	Target ¹	Date to achieve target	2015–16 Actual results ²	2016–17 Actual results ²	2017–18 Actual results ²
Immigration investigations identify persons inadmissible to Canada	Percentage of immigration investigations concluded that result in a person being identified as inadmissible to Canada	At least 55%	March 2020	60%	56%	55%
CBSA detention decisions are risk-based and detention is used as a measure of last resort	Percentage of persons subject to detention for immigration purposes enrolled into alternative to detention programs	At least 10%	March 2020	Not applicable	Not applicable	Not applicable
CBSA admissibility recommendations and appeals are upheld at the Immigration and Refugee Board of Canada	Percentage of inadmissibility referrals and appeals made to the Immigration and Refugee Board that result in an inadmissibility or ineligibility determination	At least 70%	March 2020	Not applicable	Not applicable	Not applicable
	Percentage of Ministerial interventions (at the Refugee Protection Division and the Refugee Appeals Division) and appeals that result in a negative refugee determination	At least 70%	March 2020	Not applicable	Not applicable	Not applicable
Inadmissible persons subject to removal depart from Canada (i.e., escorted or unescorted)	Number of persons subject to removal who voluntarily comply with their departure order	At least 1,000	March 2020	Not applicable	Not applicable	Not applicable
	Percentage of high priority foreign nationals removed (i.e., on grounds of serious inadmissibility such as	At most 80%	March 2020	83%	79%	69%

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	criminality, war crimes, security)					
	Median number of days to enforce a removal order from Canada	At most 365 days	March 2020	Not applicable	Not applicable	Not applicable
People and businesses that are referred to Crown counsel for prosecution are convicted	Percentage of prosecutions concluded that result in a conviction	At least 80%	March 2020	95%	86%	84%

- 1 Given that the targets listed in the table may differ from the targets used in past years, comparing the historical results presented in the table against the current targets for 2019–20 may not convey the actual performance achieved in past years.
- 2 Given that the indicators listed in the table are based on the CBSA's new Departmental Results Framework, historical results are not applicable for some indicators because the Agency's old Program Alignment Architecture was used as the reporting framework up to 2017–18.

Budgetary financial resources (dollars)

2019–20 Main Estimates	2019–20 Planned spending	2020–21 Planned spending	2021–22 Planned spending
206,693,897	206,693,897	189,551,490	206,308,118

Human resources (full-time equivalents)

2019–20 Planned full-time equivalents	2020–21 Planned full-time equivalents	2021–22 Planned full-time equivalents
1,378	1,335	1,531

Internal Services

Description

Internal Services are those groups of related activities and resources that the federal government considers to be services in support of programs and/or required to meet corporate obligations of an organization. Internal Services refers to the activities and resources of the 10 distinct services that support program delivery in the organization, regardless of the Internal Services delivery model in a department. These services are:

- Management and Oversight Services
- Communications Services
- Legal Services
- Human Resources Management Services
- Financial Management Services
- Information Management Services
- Information Technology Services
- Real Property Management Services
- Materiel Management Services
- Acquisition Management Services

Planning highlights

Support a high-performing and innovative workforce

In 2019–20, the Agency will launch the next iteration of its Mental Health Strategy to continue building awareness, reducing stigma, and providing tools, resources and training to employees at all levels. The Agency will also continue to support the wellbeing of its frontline workforce through the implementation of its Physical Wellness Program to a broader base of employees.

The CBSA will strengthen its diversity and inclusion results, and ensure that its workforce continues to reflect Canada’s evolving demographics, by conducting workforce planning and implementing employment equity strategies, with particular focus on women in law enforcement and Indigenous persons. The Agency will be launching a three-year Employment Equity, Diversity and Inclusion Action Plan in 2019–20, as well as an electronic self-identification campaign to enhance workforce analytics. By embedding a self-identification tool within its HR information system, the Agency will be better able to track and monitor the progress of its diversity and inclusion objectives.

The Agency will continue to invest in its workforce and management capacity through the implementation of its Leadership Development Strategy and the following actions:

- hardwiring management and leadership commitments into Performance Management Agreements;
- cementing character-based leadership into the HR management continuum; and
- addressing succession planning through strategic development of the Agency's talent pool.

Cumulatively, these efforts will contribute to stronger employee engagement and morale, as well as a more dynamic and enabling environment for learning and knowledge sharing.

Advance modernization efforts

The Agency is examining all aspects of its business and identifying options for improving organizational health and sustainability. In 2019–20, the Agency will finalize the implementation of a new results-based organizational structure aligned with its Departmental Results Framework, supporting greater accountability and strategic decision-making in program management and resource allocation. From the perspectives of business, information and IT, sound Enterprise Architecture practices will support these modernization efforts and provide a better understanding of related impacts.

The Agency will also continue to enhance financial stewardship through the ongoing implementation of multi-year budget management, in support of future-oriented corporate planning, strategic procurement and effective asset lifecycle management. In addition, the Agency will move forward with long-term planning for significant investments in large-scale and long-term infrastructure projects to modernize the border experience.

The CBSA will actively support Public Services and Procurement Canada (PSPC) throughout the planning phase for the Federal Science and Technology Infrastructure Initiative, which will enhance scientific capabilities through the provision of modern infrastructure. Additionally, the CBSA has partnered with PSPC to modernize the Agency's office accommodations and reduce its back office footprint, with regional consolidation projects in Niagara Falls, Ontario and Halifax, Nova Scotia scheduled for completion in 2019–20.

A review of the Agency's existing technology ecosystem, including our national computing platform as well as operational technology at ports of entry, is underway to optimize functionality and performance, reduce duplication, eliminate low-usage technology, and upgrade aging systems and equipment. Additionally, the Agency will explore ways to address increasing demand, including enhancing the capacity of the technology ecosystem to facilitate national collaboration and increased knowledge sharing. These improvements will support efficient processing of travellers and goods, reduce critical system outages and related operational impacts, and strengthen cyber security defence mechanisms. They will also address the Agency's enterprise risk relating to IT system resilience and will strengthen the Agency's ability to respond to evolving business needs through timely and accurate access to data and information.

Concurrently, the Agency is undertaking a proof of concept on enterprise data quality, data visualization, and geospatial analytics to support data-driven decision-making. This work will serve to streamline manual processes through mechanized data capture. In addition, the establishment of cloud contracts with Shared Services Canada will support the Agency's transition to cloud computing in accordance with the Government of Canada's [Cloud Adoption Strategy](#).^x

Budgetary financial resources (dollars)

2019–20 Main Estimates	2019–20 Planned spending	2020–21 Planned spending	2021–22 Planned spending
376,180,128	376,180,128	362,064,321	370,399,480

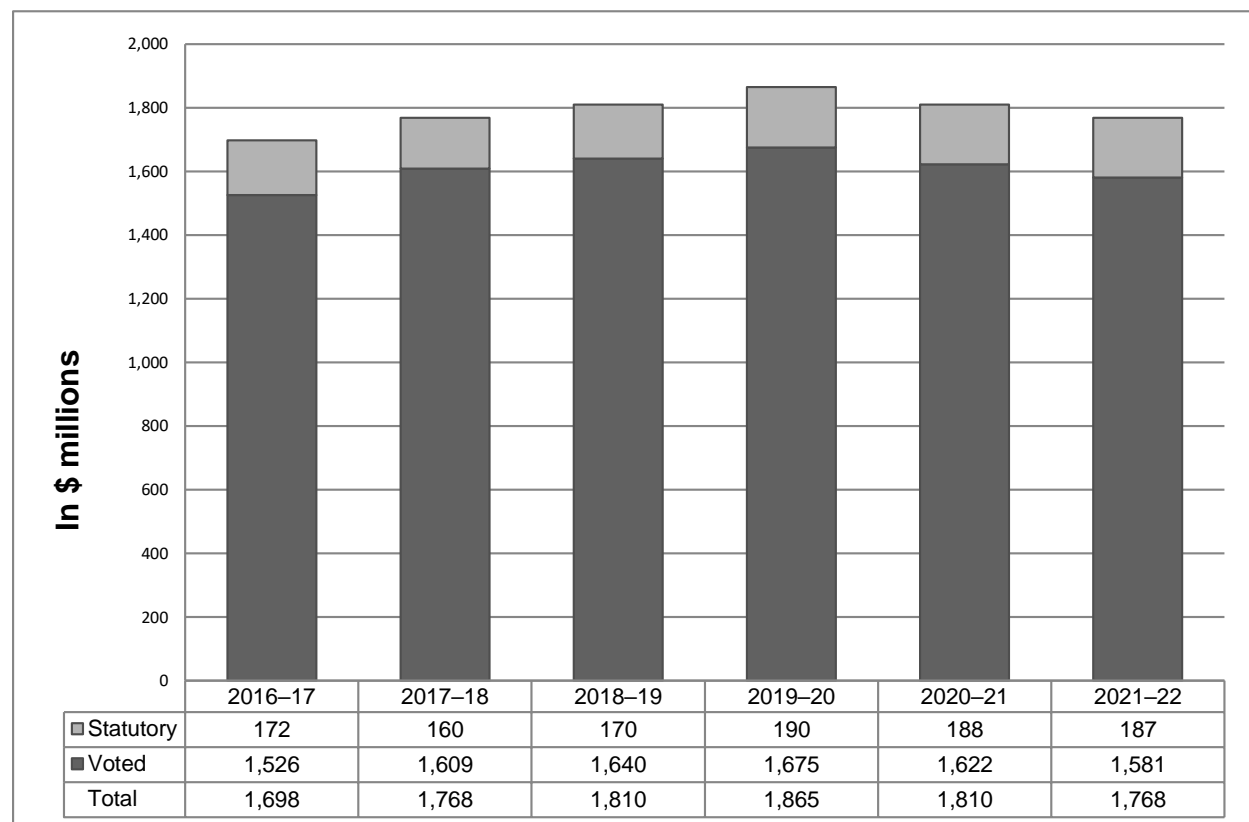
Human resources (full-time equivalents)

2019–20 Planned full-time equivalents	2020–21 Planned full-time equivalents	2021–22 Planned full-time equivalents
2,316	2,286	2,207

Spending and human resources

Planned spending

Departmental spending trend graph



Budgetary planning summary for Core Responsibilities and Internal Services (dollars)

Core Responsibilities and Internal Services	2016–17 Expenditures*	2017–18 Expenditures*	2018–19 Forecast spending	2019–20 Main Estimates	2019–20 Planned spending	2020–21 Planned spending	2021–22 Planned spending
Border Management	N/A	N/A	1,573,174,204	1,282,523,110	1,282,523,110	1,258,434,938	1,191,381,281
Border Enforcement	N/A	N/A	233,625,346	206,693,897	206,693,897	189,551,490	206,308,118
Subtotal	N/A	N/A	1,806,799,550	1,489,217,007	1,489,217,007	1,447,986,428	1,397,689,399
Internal Services	365,842,854	390,184,268	371,661,396	376,180,128	376,180,128	362,064,321	370,399,480
Total	1,698,950,888	1,768,435,342	2,178,460,946	1,865,397,135	1,865,397,135	1,810,050,749	1,768,088,879

* Expenditures by core responsibility for 2016–17 and 2017–18 are not included as the CBSA's Departmental Results Framework was not in use until 2018–19. In 2016–17 and 2017–18, expenditures were reported by program under the Agency's old Program Alignment Architecture and are available in the Departmental Results Reports for [2016–17](#)^{xi} and [2017–18](#).^{xii}

Due to the introduction of the CBSA's Departmental Results Framework in 2018–19, the Agency's planned and actual spending is now reported on the basis of its two Core Responsibilities and its Internal Services. In support of this change in the Agency's reporting framework, the Agency has realigned its Internal Services allocations to better reflect the attribution of costs to direct and indirect programming. This realignment contributed to lower planned spending for Internal Services beginning in 2018–19 and onward.

For 2018–19, the Agency forecasts to spend approximately \$400 million more than in 2017–18. The vast majority of this increase is due to economic increases, including retroactive payments for the signed collective bargaining agreements of the Border Services (FB) group in 2018–19. Through prudent planning, the Agency had set aside funding in its budget to address the resulting in-year and retroactive liability.

The remaining increase in forecast spending for 2018–19 is attributable to the Agency's role in supporting several high-priority initiatives, including:

- supporting the 2017–20 Immigration Levels Plan;
- enhancing the Passenger Protect Program;
- managing irregular migration across the Canada-US border;
- taking action against guns and gangs; and
- addressing the opioid crisis.

Planned spending for 2019–20 and beyond is lower than in 2018–19 as several major projects will come to completion and approved funding for the Agency's core operations will decrease going forward.

Planned human resources

Human resources planning summary for Core Responsibilities and Internal Services (full-time equivalents)

Core Responsibilities and Internal Services	2016–17 Actual full-time equivalents*	2017–18 Actual full-time equivalents*	2018–19 Forecast full-time equivalents	2019–20 Planned full-time equivalents	2020–21 Planned full-time equivalents	2021–22 Planned full-time equivalents
Border Management	N/A	N/A	10,251	10,551	10,525	10,396
Border Enforcement	N/A	N/A	1,524	1,378	1,335	1,531
Subtotal	N/A	N/A	11,775	11,929	11,860	11,927
Internal Services	2,411	2,499	2,297	2,316	2,286	2,207
Total	13,540	13,528	14,072	14,245	14,146	14,134

* Actual FTEs by core responsibility for 2016–17 and 2017–18 are not included as the CBSA's Departmental Results Framework was not in use until 2018–19. In 2016–17 and 2017–18, actual FTEs were reported by program under the Agency's old Program Alignment Architecture and are available in the Departmental Results Reports for [2016–17](#)^{xi} and [2017–18](#).^{xii}

For 2018–19, the CBSA forecasts a total of 14,072 FTEs, which represents 544 more FTEs than in 2017–18. This increase in FTEs is attributable to the Agency’s role in supporting several high-priority initiatives, including:

- supporting the 2017–20 Immigration Levels Plan;
- advancing the CARM project;
- administering the Temporary Foreign Worker Program and the International Mobility Program;
- strengthening capacity for investigations and compliance management under the SIMA;
- enhancing the Passenger Protect Program;
- managing irregular migration at the Canada-US border;
- taking action against guns and gangs;
- addressing the opioid crisis;
- supporting the legalization of cannabis; and
- detecting signs of impaired driving at ports of entry.

Starting in 2020–21, the Agency’s planned FTEs are expected to decrease slightly year-over-year and stabilize in 2024–25 at 14,046. This is due to the completion of several major project milestones as well as a decrease in approved funding for the Agency’s core operations.

Estimates by vote

Information on the CBSA’s organizational appropriations is available in the [2019–20 Main Estimates](#).^{xiii}

Future-Oriented Condensed Statement of Operations

The Future-Oriented Condensed Statement of Operations provides a general overview of the CBSA’s operations. The forecast of financial information on expenses and revenues is prepared on an accrual accounting basis to strengthen accountability and to improve transparency and financial management. The forecast and planned spending amounts presented in other sections of the Departmental Plan are prepared on an expenditure basis; as a result, amounts may differ.

A more detailed Future-Oriented Statement of Operations and associated notes, including a reconciliation of the net cost of operations to the requested authorities, are available on the CBSA’s [website](#).^{xiv}

Future-Oriented Condensed Statement of Operations
for the year ending March 31, 2020 (dollars)

Financial information	2018–19 Forecast results	2019–20 Planned results	Difference (2019–20 Planned results minus 2018–19 Forecast results)
Total expenses	2,247,253,000	2,125,398,000	(121,855,000)
Total revenues	18,430,000	18,430,000	0
Net cost of operations before government funding and transfers	2,228,823,000	2,106,968,000	(121,855,000)

Additional information

Corporate information

Organizational profile

Appropriate minister:	The Honourable Ralph Goodale, P.C., M.P.
Institutional head:	John Ossowski
Ministerial portfolio:	Public Safety and Emergency Preparedness
Enabling instruments:	<i>Canada Border Services Agency Act</i> ^{xv} <i>Department of Public Safety and Emergency Preparedness Act</i> ^{xvi}
Year of incorporation/commencement:	2003

Raison d'être, mandate and role: who we are and what we do

The CBSA's raison d'être, mandate and role are available on the Agency's [website](#).^{xvii} For more information on the Agency's organizational mandate letter commitments, see the [Minister's mandate letter](#).^{xviii}

Reporting framework

The CBSA's Departmental Results Framework and Program Inventory of record for 2019–20 are shown below.

DEPARTMENTAL RESULTS FRAMEWORK	Core Responsibility: Border Management		Core Responsibility: Border Enforcement		INTERNAL SERVICES
	Departmental Results	Departmental Results Indicators	Departmental Results	Departmental Results Indicators	
	The CBSA's intelligence, threat and risk assessment activities support CBSA programs in the identification and interception of high-risk people, goods, and conveyances that pose a threat to the security of Canadians	Percentage of threats identified that lead to an enforcement action or inadmissibility recommendation Ratio of the value of intelligence-led seizures to the value of non-intelligence led seizures	Immigration investigations identify persons inadmissible to Canada	Percentage of immigration investigations concluded that result in a person being identified as inadmissible to Canada	
	Admissible travellers are processed in an efficient manner	Percentage of time the CBSA is meeting the Highway Border Wait Times (BWT) Service Standard	CBSA detention decisions are risk-based and detention is used as a measure of last resort	Percentage of persons subject to detention for immigration purposes enrolled into alternative to detention programs	
		Percentage of travellers using Primary Inspection Kiosks (PIK) at PIK-enabled airports		Percentage of inadmissibility referrals and appeals made to the Immigration and Refugee Board that result in an inadmissibility or ineligibility determination	
		Actual availability of Primary Inspection Kiosks as a percentage of planned availability		Percentage of Ministerial interventions (at the Refugee Protection Division and the Refugee Appeals Division) and appeals that result in a negative refugee determination	
	Travellers and their goods are compliant with applicable legislation	Percentage of traveller examinations that produced a result (enforcement or facilitation action)	Inadmissible persons subject to removal depart from Canada (i.e., escorted or unescorted)	Number of persons subject to removal who voluntarily comply with their departure order	
		Percentage of traveller goods examinations that produced a result (enforcement or facilitation action)		Percentage of high priority foreign nationals removed (i.e., on grounds of serious inadmissibility such as criminality, war crimes, security)	
	Admissible commercial goods and conveyances are processed	Percentage of time the CBSA met the commercial Highway Border Wait Time Service Standard		Median number of days to enforce a removal order from Canada	

	(including the collection of revenues) in an efficient manner	Percentage of eligible release decisions provided within established timeframes	People and businesses that are referred to Crown counsel for prosecution are convicted	Percentage of prosecutions concluded that result in a conviction
		Actual availability of Single Windows as a percentage of planned availability		
	Trade partners are compliant with applicable legislation, requirements and measures	Percentage of random commercial examinations that produced a result		
		Percentage of high-risk commercial goods targeted by the National Targeting Center (NTC) that are examined at the border		
		Percentage of commercial examinations that produced a result against a trader		
		Percentage of penalties applied against traders representing continued non-compliance		
		Return on investment (ROI) for targeted verifications		
		Percentage of revenue-based targeted trade compliance verifications that yielded a result		
		Percentage of imports potentially subject to anti-dumping or countervailing duties verified to ensure compliance		
	Trusted Traveller and Trader programs increase processing efficiency of low-risk, pre-approved travellers and trade partners	Percentage of time the CBSA is meeting the NEXUS Highway BWT Service Standard		
		Ratio of Trusted Travellers referred for examination compared to conventional travellers		
		Percentage of Trusted Travellers in compliance with legislation and program regulations		
		Ratio of conventional traders and their goods that are examined at the border compared to Trusted Traders and their goods		
		Percentage of trade by value of goods imported into Canada by participants in CBSA's Trusted Trader programs		
	Travellers and the business community have access to timely redress mechanisms	Percentage of enforcement and trade appeals received that are decided within established service standards		
PROGRAM INVENTORY	Targeting		Immigration Investigations	
	Intelligence Collection and Analysis		Detentions	
	Security Screening		Hearings	
	Traveller Facilitation and Compliance		Removals	
	Commercial-Trade Facilitation and Compliance		Criminal Investigations	
	Trusted Traveller			
	Trusted Trader			
	Anti-dumping and Countervailing			
	Recourse			
	Force Generation			
	Buildings and Equipment			
	Field Technology Support			

Supporting information on the Program Inventory

Supporting information on planned expenditures, human resources, and results related to the CBSA's Program Inventory is available in the [GC InfoBase](#).^{iv}

Supplementary information tables

The following supplementary information tables are available on the Agency's [website](#).^{xix}

- ▶ Departmental Sustainable Development Strategy;
- ▶ Gender-based Analysis Plus (GBA+); and
- ▶ Status report on transformational and major Crown projects.

Federal tax expenditures

The tax system can be used to achieve public policy objectives through the application of special measures such as low tax rates, exemptions, deductions, deferrals and credits. The Department of Finance Canada publishes cost estimates and projections for these measures each year in the [Report on Federal Tax Expenditures](#).^{xx} This report also provides detailed background information on tax expenditures, including descriptions, objectives, historical information and references to related federal spending programs, as well as evaluations, research papers and gender-based analysis. The tax measures presented in this report are the responsibility of the Minister of Finance.

Organizational contact information

The CBSA's contact information is available on the Agency's [website](#).^{xxi}

Appendix: definitions

appropriation (crédit)

Any authority of Parliament to pay money out of the Consolidated Revenue Fund.

budgetary expenditures (dépenses budgétaires)

Operating and capital expenditures; transfer payments to other levels of government, organizations or individuals; and payments to Crown corporations.

Core Responsibility (responsabilité essentielle)

An enduring function or role performed by a department. The intentions of the department with respect to a Core Responsibility are reflected in one or more related Departmental Results that the department seeks to contribute to or influence.

Departmental Plan (plan ministériel)

A report on the plans and expected performance of an appropriated department over a three-year period. Departmental Plans are tabled in Parliament each spring.

Departmental Result (résultat ministériel)

Any change that the department seeks to influence. A Departmental Result is often outside departments' immediate control, but it should be influenced by Program-level outcomes.

Departmental Result Indicator (indicateur de résultat ministériel)

A factor or variable that provides a valid and reliable means to measure or describe progress on a Departmental Result.

Departmental Results Framework (cadre ministériel des résultats)

The department's Core Responsibilities, Departmental Results and Departmental Result Indicators.

Departmental Results Report (rapport sur les résultats ministériels)

A report on the actual accomplishments against the plans, priorities and expected results set out in the corresponding Departmental Plan.

evaluation (évaluation)

In the Government of Canada, the systematic and neutral collection and analysis of evidence to judge merit, worth or value. Evaluation informs decision making, improvements, innovation and accountability. Evaluations typically focus on programs, policies and priorities and examine questions related to relevance, effectiveness and efficiency. Depending on user needs, however, evaluations can also examine other units, themes and issues, including alternatives to existing interventions. Evaluations generally employ social science research methods.

experimentation (expérimentation)

Activities that seek to explore, test and compare the effects and impacts of policies, interventions and approaches, to inform evidence-based decision-making, by learning what works and what does not.

full-time equivalent (équivalent temps plein)

A measure of the extent to which an employee represents a full person-year charge against a departmental budget. Full-time equivalents are calculated as a ratio of assigned hours of work to scheduled hours of work. Scheduled hours of work are set out in collective agreements.

gender-based analysis plus (GBA+) (analyse comparative entre les sexes plus [ACS+])

An analytical process used to help identify the potential impacts of policies, Programs and services on diverse groups of women, men and gender-diverse people. The “plus” acknowledges that GBA goes beyond sex and gender differences. We all have multiple identity factors that intersect to make us who we are; GBA+ considers many other identity factors, such as race, ethnicity, religion, age, and mental or physical disability.

government-wide priorities (priorités pangouvernementales)

For the purpose of the 2019–20 Departmental Plan, government-wide priorities refers to those high-level themes outlining the government’s agenda in the 2015 Speech from the Throne, namely: Growth for the Middle Class; Open and Transparent Government; A Clean Environment and a Strong Economy; Diversity is Canada's Strength; and Security and Opportunity.

horizontal initiative (initiative horizontale)

An initiative where two or more departments are given funding to pursue a shared outcome, often linked to a government priority.

non-budgetary expenditures (dépenses non budgétaires)

Net outlays and receipts related to loans, investments and advances, which change the composition of the financial assets of the Government of Canada.

performance (rendement)

What an organization did with its resources to achieve its results, how well those results compare to what the organization intended to achieve, and how well lessons learned have been identified.

performance indicator (indicateur de rendement)

A qualitative or quantitative means of measuring an output or outcome, with the intention of gauging the performance of an organization, Program, policy or initiative respecting expected results.

Performance Information Profile (profil de l'information sur le rendement)

The document that identifies the performance information for each Program from the Program Inventory.

performance reporting (production de rapports sur le rendement)

The process of communicating evidence-based performance information. Performance reporting supports decision making, accountability and transparency.

plan (plan)

The articulation of strategic choices, which provides information on how an organization intends to achieve its priorities and associated results. Generally a plan will explain the logic behind the strategies chosen and tend to focus on actions that lead up to the expected result.

planned spending (dépenses prévues)

For Departmental Plans and Departmental Results Reports, planned spending refers to those amounts presented in the Main Estimates.

A department is expected to be aware of the authorities that it has sought and received. The determination of planned spending is a departmental responsibility, and departments must be able to defend the expenditure and accrual numbers presented in their Departmental Plans and Departmental Results Reports.

priority (priorité)

A plan or project that an organization has chosen to focus and report on during the planning period. Priorities represent the things that are most important or what must be done first to support the achievement of the desired Departmental Results.

Program (programme)

Individual or groups of services, activities or combinations thereof that are managed together within the department and focus on a specific set of outputs, outcomes or service levels.

Program Inventory (répertoire des programmes)

Identifies all of the department's programs and describes how resources are organized to contribute to the department's Core Responsibilities and Results.

result (résultat)

An external consequence attributed, in part, to an organization, policy, Program or initiative. Results are not within the control of a single organization, policy, Program or initiative; instead they are within the area of the organization's influence.

statutory expenditures (dépenses législatives)

Expenditures that Parliament has approved through legislation other than appropriation acts. The legislation sets out the purpose of the expenditures and the terms and conditions under which they may be made.

sunset program (programme temporisé)

A time-limited program that does not have an ongoing funding and policy authority. When the program is set to expire, a decision must be made whether to continue the program. In the case of a renewal, the decision specifies the scope, funding level and duration.

target (cible)

A measurable performance or success level that an organization, Program or initiative plans to achieve within a specified time period. Targets can be either quantitative or qualitative.

voted expenditures (dépenses votées)

Expenditures that Parliament approves annually through an Appropriation Act. The Vote wording becomes the governing conditions under which these expenditures may be made.

Endnotes

- i. Summit on Gun and Gang Violence, <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2018-smmt-gng-vlnce-smmry/index-en.aspx>
- ii. CBSA Departmental Results Framework, <https://www.cbsa-asfc.gc.ca/agency-agence/reports-rapports/dpr-rmr/framework-cadre-eng.html>
- iii. Report on First Nation Border Crossing Issues, <https://www.aadnc-aandc.gc.ca/eng/1506622719017/1506622893512>
- iv. GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html>
- v. 2017 Spring Reports of the Auditor General of Canada: Report 2—Customs Duties, http://www.oag-bvg.gc.ca/internet/English/parl_oag_201705_02_e_42224.html
- vi. 2017 Recourse Program Evaluation, <https://www.cbsa-asfc.gc.ca/agency-agence/reports-rapports/ae-ve/2017/erp-epr-eng.html>
- vii. Ministerial Direction to the CBSA: Minors in Canada’s Immigration Detention System, <https://www.publicsafety.gc.ca/cnt/trnsprnc/ns-trnsprnc/mnstrl-drctn-cbsa-en.aspx>
- viii. CBSA Detention Statistics, <https://www.cbsa-asfc.gc.ca/security-securite/detent/menu-eng.html>
- ix. Report of the 2017–18 External Audit (Detention Review), <https://irb-cisr.gc.ca/en/transparency/reviews-audit-evaluations/Pages/ID-external-audit-1718.aspx>
- x. Government of Canada Cloud Adoption Strategy, <https://www.canada.ca/en/treasury-board-secretariat/services/information-technology/cloud-computing/government-canada-cloud-adoption-strategy.html>
- xi. 2016–17 Departmental Results Report, <https://www.cbsa-asfc.gc.ca/agency-agence/reports-rapports/dpr-rmr/2016-2017/report-rapport-eng.html>
- xii. 2017–18 Departmental Results Report, <https://www.cbsa-asfc.gc.ca/agency-agence/reports-rapports/dpr-rmr/2017-2018/report-rapport-eng.html>
- xiii. 2019–20 Main Estimates, <https://www.canada.ca/en/treasury-board-secretariat/services/planned-government-spending/government-expenditure-plan-main-estimates.html>
- xiv. CBSA Future Oriented Statement of Operations, <https://www.cbsa-asfc.gc.ca/agency-agence/reports-rapports/fs-ef/2019/fofs-efp-eng.html>
- xv. *Canada Border Services Agency Act*, <https://laws-lois.justice.gc.ca/eng/acts/C-1.4/index.html>
- xvi. *Department of Public Safety and Emergency Preparedness Act*, <https://laws-lois.justice.gc.ca/eng/acts/P-31.55/index.html>
- xvii. CBSA Raison d’être, Mandate and Role, <https://www.cbsa-asfc.gc.ca/agency-agence/menu-eng.html>
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Canada Border
Services Agency

Agence des services
frontaliers du Canada



Canada Border Services Agency

2017–18

Departmental Results Report

The Honourable Ralph Goodale, P.C., M.P.
Minister of Public Safety and Emergency Preparedness

PROTECTION • SERVICE • INTEGRITY

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Catalogue No. PS35-9E-PDF
ISSN 2560-9998

This document is available on the Canada Border Services Agency website at
<https://www.cbsa-asfc.gc.ca>

This document is available in alternative formats upon request.

Aussi offert en français sous le titre : Rapport sur les résultats ministériels 2017-2018

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Minister's message

As Minister of Public Safety and Emergency Preparedness, I am pleased to present to Parliament the Canada Border Services Agency's (CBSA) 2017–18 Departmental Results Report. The CBSA has continued to provide Canadians with a high standard of service and has contributed significantly to our Government's top priorities.



The Agency has played a vital role in Canada's response to increasing volumes at the border, including the arrival of asylum seekers. The mobility of border services officers has enabled the CBSA to deploy resources to regions of highest activity, where the Agency has worked with its partners to enforce Canadian laws, while upholding Canadian values. The CBSA has also implemented a National Immigration Detention Framework in support of the Government's commitment to create a better and fairer immigration detention system.

Supporting the Government's legalization and regulation of access to recreational cannabis, the CBSA has developed cannabis-related policies and procedures to maintain Canada's border integrity following legalization. The CBSA has also demonstrated continued vigilance toward combatting the illegal cross-border flow of synthetic opioids.

The CBSA continued to facilitate the border experience, with technology and innovation being at the forefront of its border modernization efforts. For instance, this past year saw the implementation of enhanced capability for advance screening of inbound air travellers. As well, additional Primary Inspection Kiosks have now been installed at nine major airports to further reduce processing times for air travellers. The CBSA is also designing ways to facilitate compliance for its trusted travellers and traders, thereby enabling the Agency to focus on high-risk entities. Moreover, the CBSA continued to reduce border wait times and surpassed its performance target for processing of travellers within service standards.

The CBSA plays a key role in upholding Canada's historic partnership with the United States (US). The Preclearance Act is now law, enabling the expansion of preclearance operations in both countries across all modes of transportation.

As Minister of Public Safety and Emergency Preparedness, the management and protection of our national border is one of my most important responsibilities. Throughout 2017–18, the CBSA has excelled in the delivery of its mandate to safeguard our national border, while facilitating legitimate trade and travel.

The Honourable Ralph Goodale, P.C., M.P.
Minister of Public Safety and Emergency Preparedness

Results at a glance

To support the dual priorities of national security and trade facilitation within the CBSA's mandate, the Agency is committed to focusing efforts and resources on high-risk persons and goods, while expediting the free flow of low-risk persons and goods into Canada. Over the past year, the Agency has continued to fulfill its mandate, modernize its business, and improve its programs and services by leveraging information technology, strengthening its risk assessment capabilities and data analytics, and strategically allocating its resources to deliver results for Canadians.

The highlights below provide an overview of the results achieved and resources utilized in 2017–18 as the Agency continued to facilitate legitimate trade and travel, while protecting the safety and security of Canadians.

What was accomplished?

- **Responding to increased volumes:** The CBSA played a vital role in Canada's response to increased border-related volumes. In 2017–18, the CBSA continued to deal with rising volumes of e-commerce and processed approximately 21.4 million commercial releases and 84.3 million postal releases. In addition, the CBSA processed over 257,000 work permits, over 201,000 study permits, and over 8,000 temporary resident permits. In collaboration with Immigration, Refugees and Citizenship Canada (IRCC), the CBSA also processed over 53,000 asylum claimants, protecting the integrity of our national border and affording due process under the law.
- **Combatting the opioid crisis:** In response to the national opioid crisis, the CBSA continued to provide Canada's first line of defence against the cross-border smuggling of highly toxic substances such as fentanyl. The CBSA has been working diligently with domestic and international partners to enhance detection and interdiction capabilities in order to prevent the introduction of harmful opioids into Canadian communities. Specific efforts to counter opioid smuggling include the activities of the Organized Crime Joint Operations Centre, which supports real-time information sharing and collaboration between the CBSA, the Royal Canadian Mounted Police (RCMP) and Canada Post to develop intelligence in key areas such as the identification of fentanyl distributors in Canada.
- **Modernizing security screening procedures:** The CBSA continued the significant work of resettling Syrian refugees through joint efforts with IRCC and the Canadian Security Intelligence Service (CSIS), including an integrated risk management approach and security screening referral process to strengthen capacity for identification and interdiction of inadmissible persons. The CBSA also implemented the Interactive Advance Passenger Information (IAPI) initiative which enhances the screening of inbound travellers in the air mode prior to their departure for Canada.
- **Modernizing and securing the border:** In support of the Government's commitment to legalize cannabis, the CBSA has developed a border-related compliance management framework spanning all lines of business. To facilitate border processing, a total of 436 new Primary Inspection Kiosks were installed at major airports across the country, expanding capacity for automated processing of inbound air travellers. Additionally, wireless handheld devices were deployed at 70

ports of entry to support automated primary processing. The Agency also conducted a Remote Traveller Processing pilot to extend service at the border by enabling travellers arriving after staffed hours to be processed by an offsite border services officer (BSO).

- **Implementing the National Immigration Detention Framework:** In support of the Government's commitment to create a better and fairer immigration detention system, the CBSA implemented a national directive to protect the rights and well-being of minors in accordance with domestic and international obligations. The design, construction and renovation of three Immigration Holding Centres (IHC) is also underway to enable the housing of higher-risk detainees, while reducing reliance on provincial correctional facilities. A memorandum of understanding (MOU) for the care of detainees has been finalized with several provinces, including a framework for the sharing of detainee medical information to enhance IHC medical services. Furthermore, the Agency advanced work to expand alternatives to detention such as Community Case Management and Supervision services, electronic monitoring and voice reporting.
- **Modernizing border infrastructure:** In support of the Government's commitment to invest in Canadian infrastructure and economic growth, the CBSA continued to work closely with the Windsor-Detroit Bridge Authority (WDBA) on the Gordie Howe International Bridge project, including the development of designs and specifications for a modern, efficient and sustainable port of entry facility. The Agency also initiated capital improvements for the North Portal, Saskatchewan, Emerson, Manitoba and Lansdowne, Ontario ports of entry, as well as advanced the Land Border Crossing Project to upgrade aging ports of entry in need of renewed infrastructure. Furthermore, the Agency continued to work with industry and the Vancouver Fraser Port Authority to advance the construction of a Marine Container Examination Facility (MCEF) at the marine port of entry in Vancouver. The Agency also collaborated with Shared Services Canada to upgrade its computing and telecommunications infrastructure in support of modernized border operations.

How much was spent?

- \$1,768,435,341

Who was involved?

- 13,528 full-time equivalents (FTEs)

For more information on the CBSA's plans, priorities and results achieved, see the "[Results: what we achieved](#)" section of this report.

Raison d'être, mandate and role: who we are and what we do

Raison d'être

The CBSA provides integrated border services that support national security priorities and facilitate the flow of people and goods across the border.

Mandate and role

The CBSA, established by the [Canada Border Services Agency Act](#),ⁱ is an integral part of the Public Safety Portfolio, which is responsible for integrated national security, emergency management, law enforcement, corrections, crime prevention and border management operations. Specific responsibilities of the CBSA include the following:

- administering legislation that governs the admissibility of people and goods into and out of Canada;
- identifying, detaining, and removing people who are inadmissible to Canada;
- interdicting illegal goods at Canada's border;
- protecting food safety, plant and animal health, and Canada's resource base;
- administering trade legislation and agreements, including the enforcement of trade remedies that protect Canadian industry;
- administering a fair and impartial redress mechanism; and,
- collecting duties and taxes on imported goods.

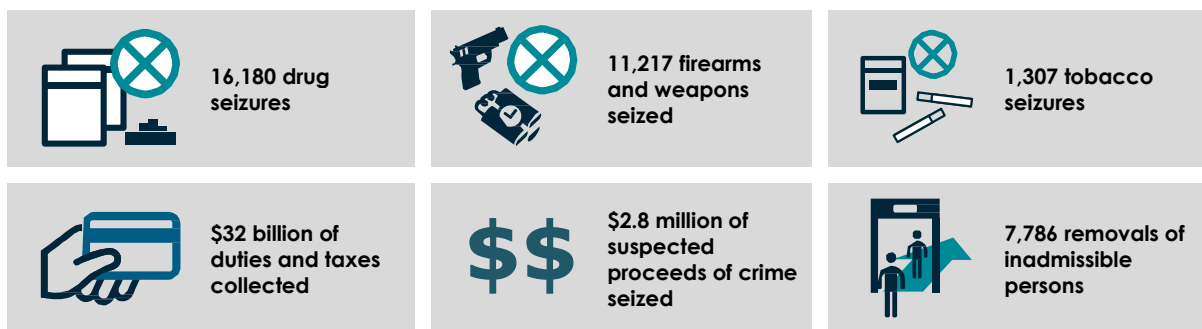
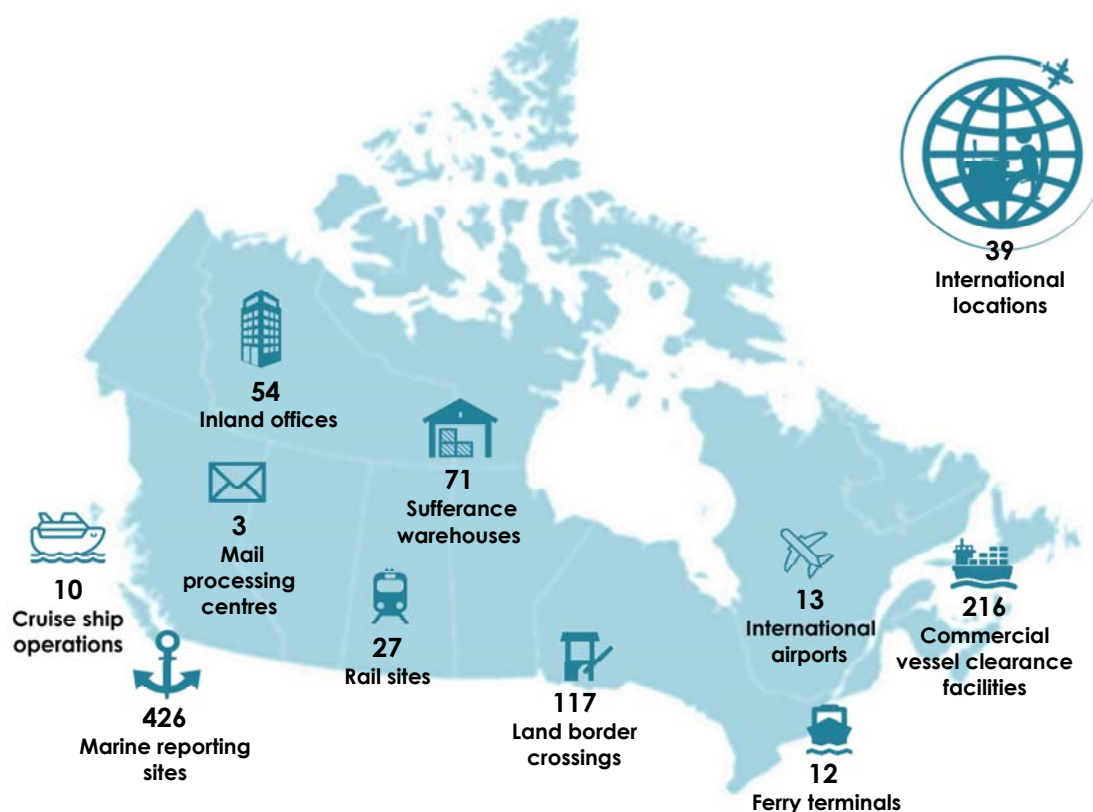
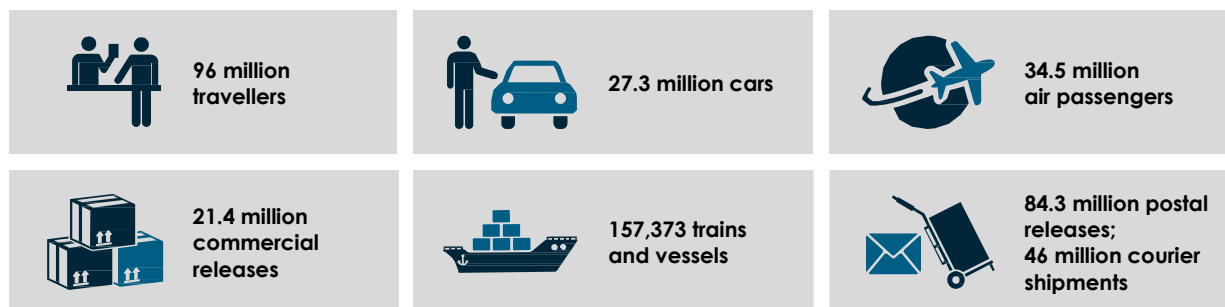
The CBSA administers over 90 acts, regulations and international agreements, many on behalf of other federal, provincial and territorial departments and agencies, including the following:

- Agriculture and Agri-Food Administrative Monetary Penalties Act
- Citizenship Act
- Criminal Code
- Customs Act
- Customs Tariff
- Excise Act
- Excise Tax Act
- Export and Import Permits Act
- Food and Drug Act
- Health of Animals Act
- Immigration and Refugee Protection Act
- Plant Protection Act
- Special Import Measures Act

For more general information about the Agency, see the "[Supplementary information](#)" section of this report. For more information on the Agency's organizational mandate letter commitments, see the [Minister's mandate letter](#).ⁱⁱ

CBSA services at a glance

The CBSA processed millions of travellers and shipments in 2017–18 and provided services at multiple points across Canada and abroad, including the following:



Operating context and key risks

Operating context

The CBSA operates in a complex and dynamic environment where it must respond to emerging threats and global economic trends, while remaining steadfast and vigilant in its commitment to protect the security of Canada's people, economy and infrastructure. In collaboration with Public Safety Portfolio partners, the CBSA works to intervene at the earliest possible point in the travel and trade continuum whenever a threat presents itself.

The CBSA's adaptability in the face of emerging threats is demonstrated by its response to the **opioid crisis**. The opioid crisis remains a serious and growing concern for Canada with approximately 3,987 apparent opioid-related deaths in 2017, representing a 34% increase from 2016. The CBSA plays an active enforcement role by combatting illegal drug production, supply and distribution. The CBSA and its law enforcement partners have undertaken significant efforts to target synthetic opioid importers, manufacturers, distributors and traffickers with the objective of detecting, disrupting and dismantling criminal networks, prosecuting the persons responsible, and keeping fentanyl and other toxic substances out of Canada.

The CBSA is also undertaking extensive efforts to implement a **cannabis legalization** framework in response to the Government's commitment to legalize and regulate access to recreational cannabis. Bill C-45, the Cannabis Act, received Royal Assent in June 2018 and comes into force in October 2018. Under the Cannabis Act, it will remain illegal to import or export cannabis to or from Canada. As such, the CBSA has been developing cannabis-related policies and procedures, and will be working jointly with its law enforcement partners to enforce Canadian laws governing cannabis.

Through its trade programs, the Agency continued to promote economic benefits and protections for Canadian industry by administering domestic trade legislation and international trade agreements. Trilateral meetings between Canada, the US and Mexico to renegotiate the **North American Free Trade Agreement (NAFTA)** are underway. The Agency is actively monitoring the situation and stands ready to implement any resulting changes to trade compliance requirements.

The CBSA's ability to operate effectively in a constantly evolving environment is further demonstrated by its response to **increased processing volumes**, including the arrival of asylum seekers at the border. In 2017–18, the CBSA and IRCC processed over 53,000 asylum claimants. The CBSA remains alert and adaptive in processing the flow of people into Canada and ensuring the integrity of our national border.

Finally, the Agency is undertaking extensive **modernization efforts** to examine all aspects of its business and identify options for improving its organizational health and sustainability. Driven by a rapidly changing border environment, characterized by rising volumes across all lines of business and increasingly complex security and international concerns, demands on the Agency's resource base continue to increase. The Agency cooperated with an independent examination of its internal control functions conducted in 2017–18 by the Treasury Board Secretariat (TBS) and is developing a strategic vision for the future to strengthen its governance processes, modernize its business practices, stabilize its financial model, and transform its organizational culture. To this end, the role of Chief Transformation Officer has been established within the Agency's senior leadership to oversee the Agency's

modernization agenda. The Agency is also realigning its business functions to reflect its new [Departmental Results Framework](#).ⁱⁱⁱ

Overall, the Agency is taking concrete steps and making great strides toward a sustainable future in which it is optimally positioned to address existing and emerging challenges.

Key risks

Security

The CBSA plays an important role in ensuring national security, protecting public safety, and promoting Canada's economic prosperity through its core targeting, examination, detection and enforcement activities. Keeping pace with constantly evolving cross-border criminal activity, national security threats, migration flows, and public safety priorities is an ongoing challenge. While technological advances serve to increase the Agency's capabilities, they may also benefit transnational organized crime groups in identifying and exploiting border vulnerabilities.

Intelligence and Analysis

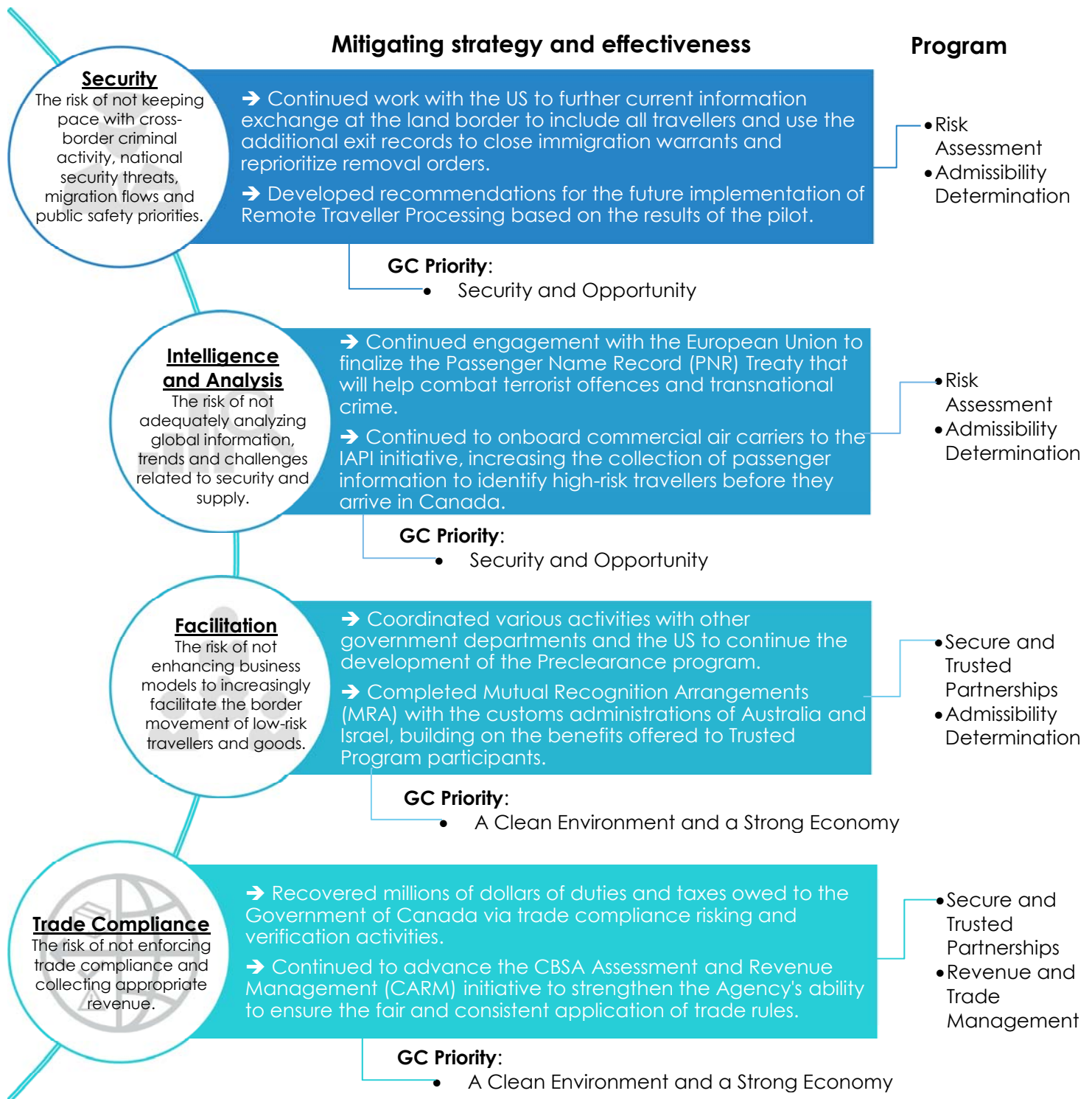
The Agency's ability to address border threats is informed by its capacity to obtain and analyze global data and trends related to security and the international supply chain. As such, the availability of actionable intelligence is of paramount importance; however, differences in legislation across jurisdictions can impact intelligence flows between the Agency and its domestic and international partners. In order to improve its capacity to address threats in real time, the Agency must continue enhancing its existing information-sharing agreements with international partners, as well as pursuing additional international information-sharing agreements, including ongoing collaboration through Five Eyes forums.

Facilitation

Businesses and travellers expect a quick and simple border crossing experience. The proliferation of automated processes to facilitate everyday transactions has raised expectations for the delivery of high-quality services at the border. Within this context, the Agency must invest in the modernization of its border clearance processes to achieve greater efficiency, simplicity and transparency.

Trade Compliance

The Agency supports the Canadian marketplace by enforcing trade requirements and facilitating trade compliance, as well as by administering the fair collection of revenue to ensure a level economic playing field. The Agency has limited capacity to conduct trade compliance verifications on imported goods, with the risk that inaccurately assessed goods may enter the country undetected.



Results: what we achieved

Programs

Information on the CBSA's lower-level programs is available in the [GC InfoBase](#).^{iv}

Program 1.1: Risk Assessment

Description:

The Risk Assessment program “pushes the border out” by seeking to identify high-risk people, goods and conveyances as early as possible in the travel and trade continuum to prevent inadmissible people and goods from entering Canada. This benefits the travelling public and the trade community by enabling the Agency to focus its examination and interdiction activities on high-risk people and goods, thereby facilitating the entry of low-risk travellers and goods. The Agency uses a variety of threat and risk assessment methodologies, intelligence and supporting technologies to identify potential risks to the security and safety of people and goods.

Results:

Modernizing security screening procedures

In 2017–18, the CBSA continued to support the Government's “Security and Opportunity” priority by building on the significant work of screening and resettling Syrian refugees that was undertaken in 2016–17 through joint efforts with IRCC and CSIS. The CBSA, IRCC and CSIS are working to streamline and modernize the security screening process. To this end, they have jointly completed a mapping exercise of the security screening continuum to ensure effective interdepartmental coordination of screening activities. The CBSA also developed an operational work plan to find and eliminate inefficiencies and duplication of efforts in the security screening process, and is exploring further options for automation of screening activities. Furthermore, the CBSA implemented an integrated risk management approach and worked collaboratively with its partners to reform the security screening referral process in order to strengthen its capability to identify and interdict inadmissible persons.

Over the past year, the CBSA also implemented the IAPI initiative, which aims to prevent inadmissible persons from travelling to Canada. This initiative enhances the screening of inbound travellers prior to their departure for Canada and strengthens the existing Advance Passenger Information/Passenger Name Record program. The Agency is also exploring options for processing in the non-commercial aviation environment.

The CBSA continued negotiations to ratify the Passenger Name Record (PNR) Agreement between Canada and the European Union (EU), which ensures that commercial air carriers based in the EU provide advance PNR data to the CBSA for risk assessment purposes. Ratification of the PNR Agreement will enable the CBSA to enforce the regulations requiring advance PNR data, thereby allowing the Agency to conduct its targeting activities earlier in the air travel continuum.

The CBSA also established a 24/7 Air Carrier Support Centre (ACSC) to provide assistance to commercial air carriers in determining whether a passenger possesses the required documents for travel to Canada, as well as correcting any errors in the travel documents so

that passengers may board their flight. Although the ACSC was not part of the original scope of the IAPI initiative, it was implemented at the request of the airline industry to ensure adequate support for airline staff in interpreting IAPI messages issued by the CBSA.

Results achieved

Expected results	Performance indicators	Target	Date to achieve target	2017–18 Actual results	2016–17 Actual results	2015–16 Actual results
Potential threats to the safety and security of Canada, such as inadmissible goods and people, are identified, assessed and intercepted prior to arrival.	Percentage of threats identified that led to an enforcement action or inadmissibility recommendation.	18.00%	March 2018	3.00%*	4.00%	10.40%

* The CBSA uses various methods to identify potential threats, including security screening, risk-based targeting, intelligence analysis, and the issuance of lookouts to flag high-risk entities for increased scrutiny. The result of 3% was obtained by dividing the number of resultant threats (i.e., threats that led to an enforcement action or inadmissibility recommendation) by the total number of potential threats identified. This result decreased in 2017–18 due to an increase in the number of potential threats identified while the number of resultant threats remained constant. As the Agency's Program Alignment Architecture will be replaced with its new Departmental Results Framework going forward, the Agency will review this performance indicator as it does not adequately reflect successes or areas for improvement, as compared to individual metrics for the various methods of threat identification.

Budgetary financial resources (dollars)

2017–18 Main Estimates	2017–18 Planned spending	2017–18 Total authorities available for use	2017–18 Actual spending (authorities used)	2017–18 Difference (Actual spending minus Planned spending)
173,555,664	173,555,664*	205,792,625	166,208,363	(7,347,301)**

* The 2017–18 planned spending excludes funding received through Supplementary Estimates and TBS central votes such as collective agreements, severance payments, parental benefits and vacation credits.

** The actual spending is lower than the planned spending by \$7.3 million, mainly due to transitional activities in the eManifest project, namely the transition from the development phase to the maintenance phase of the project. eManifest is a project aimed at transforming the CBSA's commercial business by automating the pre-approval process of commercial goods.

Human resources (full-time equivalents)

2017–18 Planned full-time equivalents	2017–18 Actual full-time equivalents	2017–18 Difference (Actual full-time equivalents minus Planned full-time equivalents)
1,198	1,245	47*

* The 2017–18 planned number of FTEs is lower than the actual number of FTEs as a result of less utilization of contractors and greater utilization of employees to deliver on eManifest and other major projects.

Program 1.2: Secure and Trusted Partnerships**Description:**

Through the Secure and Trusted Partnerships Program, the CBSA works closely with clients, other government departments and international border management partners to enhance trade chain and traveller security while providing pre-approved, low-risk travellers and traders with streamlined and efficient border processes. The CBSA develops and administers programs and cooperative agreements with its partners to ensure alignment with international standards (e.g., the World Customs Organization (WCO) SAFE Framework of Standards) and promote best practices in global border management. By increasing membership in trusted traveller and trader programs, the CBSA is able to improve its capacity to mitigate risk in advance and focus examination efforts on identifying travellers and traders of unknown or higher risk.

Results:**Continuing to enhance trusted traveller programs**

The CBSA further enhanced its NEXUS program by implementing the first phase of a trilateral trusted traveller arrangement with the US and Mexico, allowing eligible Mexican nationals to apply to NEXUS and expanding the international network of certified low-risk travellers. The CBSA continued to work with trilateral partners to prepare for the launch of the second phase, which will allow Canadian NEXUS members to apply to Mexico's trusted traveller program.

Strengthening strategic and operational cooperation

The CBSA supported the passage of Bill C-23, the Preclearance Act, which received Royal Assent in December 2017. The CBSA worked jointly with the US and other government departments to advance policy work required to support the ratification of the Agreement on Land, Rail, Marine and Air Transport Preclearance (LRMA). The CBSA also provided training to US preclearance officers working at eight major Canadian airports with preclearance operations.

The CBSA supported the joint efforts between Canada and the US to implement preclearance at the Billy Bishop (Toronto) and Québec City airports, along with the Rocky Mountaineer train in British Columbia and the Montréal train station. In particular, the CBSA participated in a rail corridor inspection with industry partners, as well as binational discussions with the US to expand preclearance operations. Subsequently, the CBSA and US

Customs and Border Protection (CBP) began developing a binational concept of operations for rail preclearance, and engaged industry on transitioning certain pre-inspection sites into preclearance sites following ratification of the LRMA. The CBSA and US CBP also initiated discussions on potential pilots to operationalize Canadian preclearance in the US in both the traveller and commercial streams.

Additionally, the Bi-National Rail Cargo Pre-Screening Pilot was launched in November 2017 to further advance cargo preclearance and strengthen Canada's strategic and operational cooperation with the US. Working alongside US CBP officers, Canadian border services officers pre-screened rail cargo by viewing x-ray images of northbound rail cars and noting any irregularities, before returning to Canada to process the goods. This pilot will serve as a proof of concept for future cargo preclearance operations.

Continuing to enhance trusted trader programs

The CBSA continued to harmonize its Partners in Protection (PIP) program with the US Customs Trade Partnership Against Terrorism (CTPAT) program to offer streamlined enrollment and benefits for eligible businesses. A soft launch of the harmonization functionality for highway carriers was piloted in 2017–18 and the PIP/CTPAT working group has developed a deployment plan for highway carrier implementation in 2018–19. In addition, the CBSA further expanded the international network of certified low-risk traders by signing Mutual Recognition Arrangements (MRA) with the customs administrations of Australia and Israel. The CBSA also continued its ongoing MRA negotiations with China and the European Union, and initiated MRA negotiations with Hong Kong.

The CBSA continued to improve the Trusted Trader Portal through key system enhancements and the development of reporting functionality. Following a review by the Agency's Financial Investment Management Committee, the Agency decided to discontinue the Customs Self-Assessment onboarding and automated risking components of the Trusted Trader Portal project in order to optimize the allocation of project funding and place greater focus on the development of a program renewal strategy. In addition, an in-depth review of program performance indicators was completed to inform the development of improved metrics that more accurately reflect program efficiencies and benefits.

Results achieved

Expected results	Performance indicators	Target	Date to achieve target	2017–18 Actual results	2016–17 Actual results	2015–16 Actual results
Capacity to focus on high-risk people and goods at ports of entry is increased.	Percentage increase [‡] in trusted traveller program membership from previous fiscal year.	12.00%	March 2018	8.10%*	11.70%	12.50%
	[‡] An increase in trusted travellers will result in a decrease of unknown or high-risk travellers, thereby allowing BSOs to focus more on the latter group of travellers.					
	Number of approved memberships from total trusted trader program applications.	80	March 2018	96	259	133
	Average time savings for NEXUS members at land ports of entry (i.e., average processing time [‡] in NEXUS lanes versus conventional lanes) in seconds.	5 sec	March 2018	N/A**	44 sec	34 sec
	[‡] Processing time is the time elapsed from the initiation of the licence plate reader until the release/referral decision is entered into the system.					

* Membership growth has slowed over the last two years as the program reaches its steady state; therefore, this indicator will be removed in 2018–19.

** Due to system changes, the data required to report on this performance indicator are no longer available; therefore, this indicator will be replaced in 2018–19.

Budgetary financial resources (dollars)

2017–18 Main Estimates	2017–18 Planned spending	2017–18 Total authorities available for use	2017–18 Actual spending (authorities used)	2017–18 Difference (Actual spending minus Planned spending)
37,910,170	37,910,170*	55,254,160	29,892,154	(8,018,016)**

* The 2017–18 planned spending excludes funding received through Supplementary Estimates and TBS central votes such as collective agreements, severance payments, parental benefits and vacation credits.

** The Agency's actual spending is lower than its planned spending by \$8.0 million. Planned spending included a conditional amount of \$7.7 million in order to maintain Trusted Program enhancements. This conditional funding was not required due to delays in the full implementation of all enhancements.

Human resources (full-time equivalents)

2017–18 Planned full-time equivalents	2017–18 Actual full-time equivalents	2017–18 Difference (Actual full-time equivalents minus Planned full-time equivalents)
397	389	(8)

Program 1.3: Admissibility Determination**Description:**

Through the Admissibility Determination program, the CBSA develops, maintains and administers the policies, regulations, procedures and partnerships that enable border services officers (BSOs) to intercept people and goods that are inadmissible to Canada and to process legitimate people and goods seeking entry into Canada within established service standards. In addition, the Agency develops, maintains and administers the policies, regulations, procedures and partnerships to control the export of goods from Canada.

In the traveller stream, BSOs question people upon arrival to determine if they and their personal goods meet the requirements of applicable legislation and regulations to enter Canada. BSOs will then make a decision to grant entry or refer a person for further processing (e.g., payment of duties and taxes, issuance of a document), and/or for a physical examination.

In the commercial stream, carriers and importers are required to provide information to the CBSA at or prior to arrival in Canada. BSOs review the status of pre arrival decisions and/or the provided accompanying documentation to determine whether the goods meet the requirements of applicable legislation and regulations to enter Canada. Based on this determination, a BSO may refer the goods for further processing, examination and/or scientific/engineering analysis. Upon further examination goods may be seized, released or penalties imposed.

With some exceptions, all goods being exported from Canada must be reported in writing to the CBSA.

Results:

In support of the Minister's mandate letter commitment to keep handguns and other firearms out of Canadian communities, the CBSA continued to interdict the flow of firearms. To this end, 751 firearms were seized in 2017–18, as well as 10,466 weapons. The CBSA's Detector Dogs located 56 (7%) of the firearms seized.

The CBSA also addressed the smuggling of illegal drugs by performing 16,180 drug seizures in 2017–18, which included 438 seizures of opioids in support of the Government's efforts to address the opioid crisis.

Modernizing and securing the border

In 2017–18, the CBSA continued to support the Government's "Security and Opportunity" priority by modernizing land border crossings through the Entry/Exit Initiative. The CBSA expanded its system capabilities by allowing BSOs to query exit records from historical data and the Agency is working bilaterally with the US to expand information exchange capabilities.

The CBSA signed an MOU with US CBP to leverage radio-frequency identification (RFID) technology by allowing the Agency to access RFID-enabled documents issued by US jurisdictions. The CBSA deployed RFID technology at four additional ports of entry, and also deployed wireless handheld devices with mobile Integrated Primary Inspection Line software at 70 out of 72 ports of entry to support automated processing.

The CBSA also conducted a Remote Traveller Processing pilot at the port of entry in Moses Line, Quebec, which successfully processed 6,465 travellers in 2017–18. The pilot has extended service at the port of entry by enabling travellers arriving after staffed hours to be processed by an offsite BSO. The Agency is exploring options for expansion of Remote Traveller Processing to other locations.

Air traveller processing has also benefitted from modernization efforts. All major air carriers have been onboarded to the Advance Passenger Information/Passenger Name Record program and the CBSA's Air Carrier Support Team continued to onboard new carriers. This program effectively pushes the border out by ensuring that non-admissible passengers are identified before departure for Canada. Furthermore, during 2017–18, a total of 436 new Primary Inspection Kiosks were installed at major airports across the country, expanding capacity for automated processing of inbound air travellers.

The CBSA supported the Government's commitment to legalize cannabis by developing a border-related compliance management framework spanning all of the Agency's business lines. The CBSA assisted Public Safety Canada, the Department of Justice, the Department of Finance, the Canada Revenue Agency and Health Canada throughout the legislative processes associated with the legalization of cannabis, related excise taxes, and the strengthening of impaired driving legislation. The CBSA also supported the Canadian Drugs and Substances Strategy by prohibiting the importation of unregistered pill presses and providing BSOs with improved authorities to interdict suspect mail. In 2017–18, there were 96 fentanyl seizures in the postal stream, representing an increase of 16% from 2016–17.

The CBSA implemented system changes reflecting amendments to Bill C-26, the Sex Offenders Information Registration Act (SOIRA). Under the SOIRA, the RCMP securely shares the identities of high-risk sex offenders with the CBSA in order to electronically flag their travel activity. Upon their re-entry into Canada, the CBSA collects specific travel-related information on offenders and shares it with the RCMP to ensure compliance with the SOIRA and to prevent and investigate crimes of a sexual nature.

Strengthening and simplifying the importation process

In 2017–18, the CBSA cooperated with its North American partners to modernize border management, particularly in the rail mode, in response to recommendations from the 2015 [Internal Audit of Commercial Rail](#).^v The CBSA developed a strategic vision for rail reflecting eManifest requirements as well as program improvements recommended in the Audit.

The Agency also continued to work with industry and the Vancouver Fraser Port Authority to advance the construction of an MCEF at the marine port of entry in Vancouver. Located in Delta, British Columbia, the MCEF is expected to open in the fall of 2018 and options for a second facility will be explored upon completion of the first facility. The CBSA also organized two consultation sessions with industry stakeholders and other government departments to inform all parties about the MCEF project.

As part of the eManifest project, the Agency launched the Commercial Threat Assessment System in 2017–18, a key step toward centralizing its targeting activities at the National Targeting Centre.

Finally, in furtherance of the Postal Modernization Initiative, the CBSA is working with Canada Post to conduct a feasibility analysis for system enhancements at the Toronto and Montreal International Mail Processing Centres in order to leverage advance data. In addition, the implementation of a five-year action plan is underway to manage increasing postal volumes and peak periods due to e-commerce.

Results achieved

Expected results	Performance indicators	Target	Date to achieve target	2017–18 Actual results	2016–17 Actual results	2015–16 Actual results
People and goods who are inadmissible to Canada are intercepted at ports of entry.	Percentage of people examined who are found inadmissible.	3.20%	March 2018	3.03%*	3.28%	3.20%
	Percentage of imported commercial goods examined that result in seizure action in the marine, highway, air and rail modes of importation.	0.05%	March 2018	0.10%	0.08%	0.08%
Legitimate people entering Canada at a land port of entry are processed within established service standards.	Percentage of people reaching the primary inspection booth within the service standard (10 minutes on weekdays; 20 minutes on weekends and holidays).	95.00%	March 2018	98.20%**	97.64%	97.20%

* While the volume of inadmissible persons remained relatively stable, there was an increase in secondary examinations in 2017–18 due to increased immigration facilitation activities (e.g., work permits, study permits), resulting in a decline in the enforcement (i.e., inadmissible) resultant rate.

** Of the 26 ports of entry representing the bulk (77.48%) of traveller volumes in the highway mode, 12 ports of entry recorded 99% or better. Wait times in excess of the service standard are not typically experienced at the remaining 91 ports of entry as the traveller volumes through these locations are significantly smaller than the volumes through the 26 ports of entry previously mentioned.

Budgetary financial resources (dollars)

2017–18 Main Estimates	2017–18 Planned spending	2017–18 Total authorities available for use	2017–18 Actual spending (authorities used)	2017–18 Difference (Actual spending minus Planned spending)
923,906,326	923,906,326*	1,174,524,339	903,849,209	(20,057,117)**

* The 2017–18 planned spending excludes funding received through Supplementary Estimates and TBS central votes such as collective agreements, severance payments, parental benefits and vacation credits.

** The Agency's actual spending is lower than its planned spending by \$20.1 million as a result of two offsetting factors: the decrease to realign funding, purposed for IT and Infrastructure major projects, to meet revised project timelines, offset by an increase in funding accessed to maintain the integrity of Canada's borders and increased immigration levels.

Human resources (full-time equivalents)

2017–18 Planned full-time equivalents	2017–18 Actual full-time equivalents	2017–18 Difference (Actual full-time equivalents minus Planned full-time equivalents)
7,427	7,169	(258)*

* The 2017–18 planned number of FTEs differs from the actual number of FTEs as a result of cost containment measures that were put in place while the Agency reviewed spending.

Program 1.4: Criminal Investigations**Description:**

Under the Criminal Investigations program, the CBSA protects the integrity of border-related legislation and contributes to public safety and Canada's economic security by investigating and pursuing the prosecution of travellers, importers, exporters and/or other persons who commit criminal offences in contravention of Canada's border-related legislation.

CBSA investigators review potential border legislation violations and gather evidence using a variety of investigative techniques, including search warrants, production orders and digital forensic analysis. These violations include criminal offences under the Customs Act, Immigration and Refugee Protection Act (IRPA), various food, plant and animal legislation, and other border-related legislation. In conjunction with the Public Prosecution Service of Canada, the CBSA pursues the prosecution of individuals or business entities who violate Canada's border-related legislation.

Results:

Continuing to strengthen the criminal investigations program

The CBSA continued to strengthen its capacity to investigate and prosecute individuals and business entities that violate Canada's border-related legislation. Key investigative policies have been kept up-to-date and the development of a new Criminal Investigation Manual is underway to provide improved program guidance to investigators. In addition, updated national training standards have been implemented and enhanced training courses have been leveraged to provide improved training opportunities for investigators.

The CBSA also worked with IRCC to establish measures to strengthen compliance and criminal investigations related to the Temporary Foreign Worker Program. In addition, the CBSA and IRCC identified measures to improve compliance and criminal law enforcement related to immigration consultants in response to the Report of the Standing Committee on Citizenship and Immigration, entitled [Starting Again: Improving Government Oversight of Immigration Consultants](#).^{vi}

Results achieved

Expected results	Performance indicators	Target	Date to achieve target	2017–18 Actual results	2016–17 Actual results	2015–16 Actual results
Crown counsel accepts referrals for prosecution prepared by CBSA.	Percentage of referrals for prosecution accepted by Crown.	95.00%	March 2018	98.00%	98.00%	98.00%
Individuals/businesses are convicted in order to punish and deter future contraventions.	Percentage of concluded prosecutions that result in a conviction.	85.00%	March 2018	84.00%*	86.00%	95.00%

* If cases outside of the CBSA's control (e.g., cases where charges were withdrawn or stayed, where the accused failed to appear in court, or where the accused has passed away) were removed from consideration, the percentage of concluded prosecutions resulting in a conviction would be 87% which exceeds the target of 85%. A concluded prosecution means the court process has been completed and there are no further actions to be taken; therefore, cases where the charges were withdrawn or stayed, where the accused failed to appear in court, or where the accused has passed away are all considered concluded prosecutions.

Budgetary financial resources (dollars)

2017–18 Main Estimates	2017–18 Planned spending	2017–18 Total authorities available for use	2017–18 Actual spending (authorities used)	2017–18 Difference (Actual spending minus Planned spending)
29,604,517	29,604,517*	42,238,179	31,505,572	1,901,055

* The 2017–18 planned spending excludes funding received through Supplementary Estimates and TBS central votes such as collective agreements, severance payments, parental benefits and vacation credits.

Human resources (full-time equivalents)

2017–18 Planned full-time equivalents	2017–18 Actual full-time equivalents	2017–18 Difference (Actual full-time equivalents minus Planned full-time equivalents)
303	290	(13)

Program 1.5: Immigration Enforcement**Description:**

The Immigration Enforcement Program determines whether foreign nationals and permanent residents who are or may be inadmissible to Canada are identified and investigated, detained, monitored and/or removed from Canada. Foreign nationals and permanent residents of Canada believed to be inadmissible are investigated and may have a report written against them by a CBSA inland enforcement officer.

Depending on the type of inadmissibility, the merits of the report are reviewed by either a Minister's Delegate or an independent decision maker at the Immigration and Refugee Board of Canada (IRB) where a CBSA hearings officer represents the Minister of Public Safety and Emergency Preparedness. Subsequent to this review, a removal order may be issued against the foreign national or permanent resident in question. Removal orders issued against refugee claimants are conditional and do not come into force until the claim against the removal order is abandoned, withdrawn or denied by the IRB.

Results:**Implementing the National Immigration Detention Framework**

In support of the Minister's commitment to create a better and fairer immigration detention system, and in conjunction with the [Ministerial Direction to the CBSA on Minors in Canada's Immigration Detention System](#),^{vii} the CBSA implemented the [National Directive for the Detention or Housing of Minors](#)^{viii} to protect the rights and well-being of minors affected by Canada's immigration detention system. In accordance with this directive, fewer minors were detained or housed with parents or guardians in 2017–18 (151 minors), representing a 6.8% decrease compared to 2016–17 (162 minors) and a 34.9% decrease since 2014–15 (232 minors). The CBSA also introduced an enhanced governance framework for detention and issued revised policy guidance regarding detention decisions and placement of detainees.

In 2017–18, the Agency concluded policy work and public consultations on a proposal to amend the Immigration and Refugee Protection Regulations (IRPR) with respect to strengthening considerations of a child's best interests in detention decisions. Subject to the necessary government approvals, regulatory amendments are expected to be published and come into force in 2018–19.

The CBSA has taken further steps toward transforming immigration detention by finalizing new MOUs with the provinces of Quebec, British Columbia and Nova Scotia for the care of

detainees. The CBSA has also established a framework with the province of Ontario enabling the Agency to obtain medical information on detainees to enhance medical services in IHCs. Furthermore, the CBSA has advanced the construction of a new IHC in Surrey, British Columbia, as well as a retrofit of the current IHC in the Greater Toronto Area (GTA) that will enable the housing of higher-risk detainees in line with commitments to reduce reliance on provincial correctional facilities.

An architectural contract was issued for the design of a new IHC in Laval, Quebec and an MOU was finalized with the Correctional Service of Canada to lease land for its construction. Furthermore, the CBSA entered into a contract with the Canadian Red Cross for the independent monitoring of detention conditions within IHCs and provincial correctional facilities to ensure that they meet or exceed national and international standards. In addition to its annual statistics, the Agency began publishing [detention statistics](#)^{ix} on a quarterly basis to increase transparency and accountability.

The Agency has finalized enhancements to the National Case Management System to support the implementation of an expanded Alternatives to Detention program, and is on track to establish a community release program in 2018–19. To this end, an MOU was signed with the Correctional Service of Canada to pilot an electronic monitoring program in the GTA, and contracts were established to advance the design and implementation of a national voice reporting program.

Cumulatively, these measures minimize the CBSA's reliance on correctional facilities to house detainees and provide a more humane and efficient immigration detention system in accordance with domestic and international obligations.

Improving the refugee determination system

Working with federal partners, the CBSA has completed significant policy and procedural enhancements to the refugee determination system, especially with regard to the processing of asylum seekers crossing the border between land ports of entry. These enhancements include issuing operational guidance on exercising IRPA authorities for the examination of persons seeking entry, and identifying options to streamline the determination process while expediting the subsequent removal of persons not accepted as refugees.

Regulatory amendments to the IRPR that defined the end of examination for refugee claimants were finalized and implemented in March 2018. The Agency also supported an independent review of the refugee determination system undertaken by the Minister of IRCC with a view to reducing inefficiencies in the processing of asylum claims.

In support of the removals program, the CBSA has ratified a Joint Air Removal Charter MOU with the US and continued to negotiate readmission arrangements with Cuba and China. The CBSA also continued to update its website to ensure that the latest information on immigration processing is available to the public.

Addressing immigration enforcement policy gaps

In partnership with IRCC, the CBSA has identified and addressed ambiguities in immigration enforcement policy by implementing legislative and regulatory amendments to the IRPA and IRPR, including the following:

- Establishing a nationally consistent and transparent baseline for monitoring and control of security inadmissibility cases;
- Strengthening the application process for Ministerial relief related to security, human rights violations and organized criminality cases;
- Clarifying when a person may withdraw their application to enter Canada at a port of entry;
- Addressing issues raised by the Standing Joint Committee for the Scrutiny of Regulations;
- Creating new inadmissibility provisions for human rights violations and corruption related to the Justice for Victims of Corrupt Foreign Officials Act; and,
- Providing support to IRCC on reforming the IRPR medical inadmissibility regime.

Results achieved

Expected results	Performance indicators	Target	Date to achieve target	2017–18 Actual results	2016–17 Actual results	2015–16 Actual results
Immigration enforcement actions are focused on high priority foreign nationals and permanent residents who may pose a safety and/or security risk to Canada.	Percentage of high priority foreign nationals removed from Canada compared to the high priority population in the removals inventory (based on annual average).	95.00%*	March 2018	69.00%**	79.00%	83.00%
Timely removal of failed refugee claimants who are inadmissible to Canada.	Percentage of failed refugee claimants removed from Canada within 12 months of a negative decision under the new system from the Refugee Protection Division or Refugee Appeal Division).	80.00%	March 2018	N/A***	N/A***	47.00%

* Note that this target is actually 100% and was mistakenly cited as 95% in the CBSA's 2017–18 Departmental Plan.

** Foreign nationals that pose a safety or security concern remain the Agency's top priority. In 2017–18, as in previous years, the performance target was not met as the removals inventory includes cases where the removal order just became enforceable and/or cases where impediments to removal were recently resolved, thus not allowing sufficient time to enforce removal prior to fiscal year end. Also, among the high-priority population in the inventory, there is an accumulation of complex cases carried over from previous years with impediments to removal, such as travel document challenges or health concerns that must be addressed, resulting in a downward trend in results over the past three fiscal years.

*** This indicator is no longer used as the CBSA has determined that it is an ineffective measure of program performance. It is listed here for consistency with the Agency's 2017–18 Departmental Plan and will be removed in future years.

Budgetary financial resources (dollars)

2017–18 Main Estimates	2017–18 Planned spending	2017–18 Total authorities available for use	2017–18 Actual spending (authorities used)	2017–18 Difference (Actual spending minus Planned spending)
192,766,475	192,766,475*	224,955,046	176,332,547	(16,433,928)**

* The 2017–18 planned spending excludes funding received through Supplementary Estimates and TBS central votes such as collective agreements, severance payments, parental benefits and vacation credits.

** The Agency's actual spending is lower than its planned spending by \$16.4 million primarily due to project delays for the construction of IHCs in Surrey, British Columbia and Laval, Quebec.

Human resources (full-time equivalents)

2017–18 Planned full-time equivalents	2017–18 Actual full-time equivalents	2017–18 Difference (Actual full-time equivalents minus Planned full-time equivalents)
993	1,114	121*

* The 2017–18 planned number of FTEs differs from the actual number of FTEs as a result of border officer resources being diverted to support irregular migration efforts.

Program 1.6: Recourse**Description:**

The Recourse Program provides the business community and individuals with an accessible mechanism to seek an impartial review of service-related complaints, program decisions and enforcement actions taken by the CBSA. This program ensures that their decisions are fair, transparent and accurately reflect the Agency's policies and the Acts administered by the CBSA.

Individuals can complete a written submission if they disagree with an enforcement action or a program decision made by the CBSA or wish to submit a complaint or compliment about services. Clients are provided with a timely acknowledgement of their correspondence, before CBSA officials conduct a thorough review, taking into consideration the legislation administered by the Agency, CBSA policies, the client's point of view and, where necessary, technical opinions from CBSA experts or legal advice from the Department of Justice. Individuals who are not satisfied with the CBSA's review can appeal to the appropriate court, tribunal or external review body.

The Recourse Program also facilitates the review of external complaints of discrimination filed with the Canadian Human Rights Commission and assists the Department of Justice representing the Agency on appeals to the Federal Court, various tribunals and other external bodies.

Results:

Modernizing the recourse program

In order to maintain an effective and efficient redress mechanism, the Agency is implementing recommendations from the [Recourse Program Evaluation](#)^x that was conducted in May 2017, as well as the recommendations from the review of its trade appeals process. Specific areas of exploration include improving processing times to acknowledge receipt of an appeal, the creation of a triage desk for incoming appeals, more consistent decision-making overall, and the development of a new, modernized case management system to meet the needs of the Recourse Program.

In line with the Government's Blueprint 2020 initiative and in pursuit of greater innovation in the Agency's business practices, the CBSA has implemented some of the ideas generated in the Recourse Innovation Working Group, including streamlining processes to reduce paper consumption in support of the Greening Government strategy.

Results achieved

Expected results	Performance indicators	Target	Date to achieve target	2017–18 Actual results	2016–17 Actual results	2015–16 Actual results
Travellers and the import/export community have access to recourse mechanisms to challenge certain CBSA actions and decisions in a timely manner.	Percentage of enforcement appeals received that are acknowledged within 10 days.	90.00%	March 2018	84.00%*	80.00%	87.00%
	Percentage of trade appeals received that are acknowledged within 10 days.	85.00%	March 2018	50.00%**	85.00%	N/A***
	Percentage of enforcement appeals received that are decided within 180 days.	80.00%	March 2018	80.00%	70.00%	94.00%
	Percentage of trade appeals received that are decided within 180 days.	75.00%	March 2018	46.00%****	52.00%	76.00%

* The result has improved to 84% in 2017–18 compared to 80% in 2016–17, which is attributable to improved capacity.

** Following the creation of a newly centralized triage desk for all incoming trade-related appeals, some initial challenges were experienced in ensuring sufficient resources and training, resulting in a lower-than-expected performance result for 2017–18. The triage desk has addressed these challenges to improve the appeal process and client experience going forward.

*** N/A signifies that the performance indicator was not in use that year.

**** The existing service standard does not take into account the full breadth of activities involved in the trade appeals process. The Recourse Program continues to create efficiencies by streamlining processes and has implemented new [service standards for 2018–19](#).^{xi}

Budgetary financial resources (dollars)

2017–18 Main Estimates	2017–18 Planned spending	2017–18 Total authorities available for use	2017–18 Actual spending (authorities used)	2017–18 Difference (Actual spending minus Planned spending)
10,432,587	10,432,587*	12,516,608	10,119,205	(313,382)

* The 2017–18 planned spending excludes funding received through Supplementary Estimates and TBS central votes such as collective agreements, severance payments, parental benefits and vacation credits.

Human resources (full-time equivalents)

2017–18 Planned full-time equivalents	2017–18 Actual full-time equivalents	2017–18 Difference (Actual full-time equivalents minus Planned full-time equivalents)
111	99	(12)*

* The 2017–18 planned number of FTEs differs from the actual number of FTEs as a result of delays in the hiring process.

Program 1.7: Revenue and Trade Management**Description:**

The Revenue and Trade Management Program administers international and regional trade agreements and domestic legislation and regulations governing trade in commercial goods. The Program ensures that appropriate trade data is collected and that the duties and taxes owed to the Government of Canada are remitted in accordance with Canadian trade laws and import requirements. Commercial importers must accurately report on their goods at the time of importation, and remit the required payment, or self-correct their entries, and pay any additional amounts owing, when they have reason to believe that trade-related reporting errors have occurred.

Results:**Modernizing the trade program and related systems**

The CBSA continued to modernize trade-related programs and systems through the ongoing implementation of the CBSA Assessment and Revenue Management (CARM) initiative. Throughout 2017–18, the CBSA worked with Public Services and Procurement Canada to complete the Smart Procurement process for the selection of a third-party vendor to deliver the information technology component of CARM. With the selection of the vendor in February 2018, the Agency completed the CARM readiness phase and promptly launched the design phase in March 2018. Once fully implemented, CARM will enable the automated assessment, collection, accounting and reporting of importation revenue, thereby reducing administrative burdens for the trade community.

In addition, the CBSA worked with the Department of Finance to implement measures to strengthen the integrity of its trade-related programs, including changes to the Special Import Measures Act (SIMA), which came into force in April 2018, to improve protections for domestic producers who face unfair foreign competition in the Canadian marketplace as well as to protect against the diversion of goods into the Canadian market due to US trade barriers. The changes to the SIMA include the following:

- Implementation of anti-circumvention investigations, which are formal processes to determine whether circumvention of an existing anti-dumping or countervailing measure is occurring and, if so, to extend duties to the goods that were found to be circumventing the measure;
- Implementation of scope proceedings, which are formal processes conducted by the CBSA to determine whether goods fall within the product description of an existing anti-dumping or countervailing measure and, if so, to impose the applicable duties;
- Increased participatory rights for Canadian industry in dumping and subsidy investigations; and,
- Greater flexibility to assess unfair trading practices. When particular market situations do not allow for a proper comparison with the sale of goods to an importer in Canada, the sales that create price distortions can be disregarded and alternative assessment approaches can be used by investigators.

Results achieved

Expected results	Performance indicators	Target	Date to achieve target	2017–18 Actual results	2016–17 Actual results	2015–16 Actual results
Duties and taxes owed to the Government of Canada are collected in accordance with trade policies.	Percentage of compliance [‡] of importers with Canada's trade laws and importing requirements. [‡] This compliance rate is determined through a random verification process. Compliance is defined as a verification that results in less than \$1000 owed to the Government of Canada.	85.00%	March 2018	87.00%*	91.00%	97.00%

* The result in 2017–18 is lower than in previous years due to a change in the methodology for calculating the results, coupled with a smaller sample size.

Budgetary financial resources (dollars)

2017–18 Main Estimates	2017–18 Planned spending	2017–18 Total authorities available for use	2017–18 Actual spending (authorities used)	2017–18 Difference (Actual spending minus Planned spending)
50,111,199	50,111,199*	83,246,177	60,344,024	10,232,825**

* The 2017–18 planned spending excludes funding received through Supplementary Estimates and TBS central votes such as collective agreements, severance payments, parental benefits and vacation credits.

** The Agency's actual spending is higher than its planned spending by \$10.2 million partly due to in-year funding received to implement the design stage of the CARM initiative.

Human resources (full-time equivalents)

2017–18 Planned full-time equivalents	2017–18 Actual full-time equivalents	2017–18 Difference (Actual full-time equivalents minus Planned full-time equivalents)
667	723	56

Internal Services**Description:**

Internal Services are those groups of related activities and resources that the federal government considers to be services in support of programs and/or required to meet corporate obligations of an organization. Internal Services refers to the activities and resources of the 10 distinct service categories that support Program delivery in the organization, regardless of the Internal Services delivery model in a department. The 10 service categories are: Management and Oversight Services; Communications Services; Legal Services; Human Resources Management Services; Financial Management Services; Information Management Services; Information Technology Services; Real Property Services; Materiel Services; and Acquisition Services.

Results:**Modernizing border infrastructure**

In support of the Government's commitment to invest in Canadian infrastructure and economic growth, the CBSA continued to work closely with the WDBA throughout 2017–18 to advance its contribution to the Gordie Howe International Bridge project, and to ensure that the new port of entry will be a modern, efficient and sustainable federal facility. The Agency supported the WDBA on designs and specifications for the Request for Proposals used to select the private-sector partner who will deliver the project through a Public-Private Partnership arrangement. The Agency continued to develop its own plans for recruitment to staff the new port of entry.

A Request for Qualifications process was completed for the Land Border Crossing Project to modernize smaller, land ports of entry that are aging and in need of renewed infrastructure. The Agency also continued capital improvements under Phase 3 of the Accelerated Infrastructure Program, as well as for the North Portal, Saskatchewan, Emerson, Manitoba and Lansdowne, Ontario ports of entry. Furthermore, the Agency advanced work with Shared Services Canada to upgrade computing and telecommunications infrastructure in support of modernized border operations.

Increasing financial agility

Following an independent examination of the Agency's financial management conducted by TBS, the Agency continued to implement recommendations for improving its financial systems, controls and governance processes. A thorough analysis of the Agency's business and financial model has been completed, along with extensive internal consultations, in order to develop an improvement plan.

In 2017–18, the Agency significantly advanced its modernization efforts by establishing a Financial and Investment Management Committee to prioritize spending and direct funding toward key areas, as well as a Chief Transformation Officer role to oversee the Agency's modernization agenda. The Agency introduced streamlined business functions and an improved financial management regime, including:

- Standardized financial and forecasting reports available to managers on a regular basis to support effective planning and budgeting; and,
- Centralized collection of duties and taxes, along with an e-payment policy that has resulted in a 50% increase in electronic payments.

The CBSA's asset life-cycle management capacity is now supported by a Lifecycle Asset Management Plan (LAMP) that is integrated with the Agency's investment planning process. This enables more systematic, priority-based decision-making to improve or replace assets and infrastructure. The LAMP includes a 30-year plan for the replacement of capital assets, as well as a plan for the repair and maintenance of CBSA assets, which is reviewed and revalidated on a quarterly basis for scope, schedule and budget.

Additionally, managers now have the capacity to realize savings by developing strategic procurement plans for commodity-specific investments. For example, the CBSA has completed a Request for Qualifications in support of its long-term plan to rebuild ports of entry, and has developed a fleet replacement plan to enable the CBSA to begin replacing aging vehicles.

Supporting a high-performing and innovative workforce

Pursuant to the Government's broader strategy to raise awareness and reduce stigma around mental health, the CBSA rolled out the final year of its three-year Mental Health Strategy aimed at promoting a healthy and productive workforce, as well as applying a mental health lens to the development and delivery of CBSA programs and services. In 2017–18, more than 2,600 CBSA employees received Mental Health First Aid training, which has now been mandated as a requirement for all armed officers. Hundreds of CBSA employees participated in workshops offered through TBS's Joint Learning Program on subjects such as mental health and anti-discrimination. Furthermore, 12,288 CBSA employees completed Mental Health Awareness, a mandatory training course for employees at all levels to develop a shared understanding of their responsibilities toward ensuring a respectful, diverse and psychologically healthy workplace.

Along with developing tools to help managers support and address mental health issues, more than 120 sessions were delivered to employees across the country on diverse topics designed to foster frontline resilience, and to develop skills in crisis and critical incident management. Officers were also trained on how to respond appropriately when CBSA clients exhibit mental health symptoms.

To further support employees, the Agency has developed and launched an innovative Leadership Gateway which provides all CBSA employees with a suite of tools and resources to help them take charge of their career development and to reach their leadership goals. CBSA employees are empowered and encouraged to cultivate their management skills, enhance their work performance, foster a positive work environment, and contribute to the success of the CBSA. The Leadership Gateway is integral to the Agency's Leadership Development Strategy, People Strategy, and 70-20-10 learning approach, all of which emphasize the Agency's commitment to fostering a culture of leadership excellence.

The Agency furthered its capacity to welcome Canadians and other people entering Canada in the official language of their choice by providing language training to more than 150 frontline officers and 641 additional employees. The Agency enhanced the linguistic profiles of many supervisory and managerial positions to enable more employees to accomplish their tasks in both official languages.

Budgetary financial resources (dollars)

2017–18 Main Estimates	2017–18 Planned spending	2017–18 Total authorities available for use	2017–18 Actual spending (authorities used)	2017–18 Difference (Actual spending minus Planned spending)
343,409,298	343,409,298*	415,810,868	390,184,268	46,774,970**

* The 2017–18 planned spending excludes funding received through Supplementary Estimates and TBS central votes such as collective agreements, severance payments, parental benefits and vacation credits.

** The Agency's actual spending is higher than its planned spending by \$46.8 million as a result of the ratification and signing of several collective agreements as well as higher-than-expected spending on IT and Real Property services.

Human resources (full-time equivalents)

2017–18 Planned full-time equivalents	2017–18 Actual full-time equivalents	2017–18 Difference (Actual full-time equivalents minus Planned full-time equivalents)
2,543	2,499	(44)*

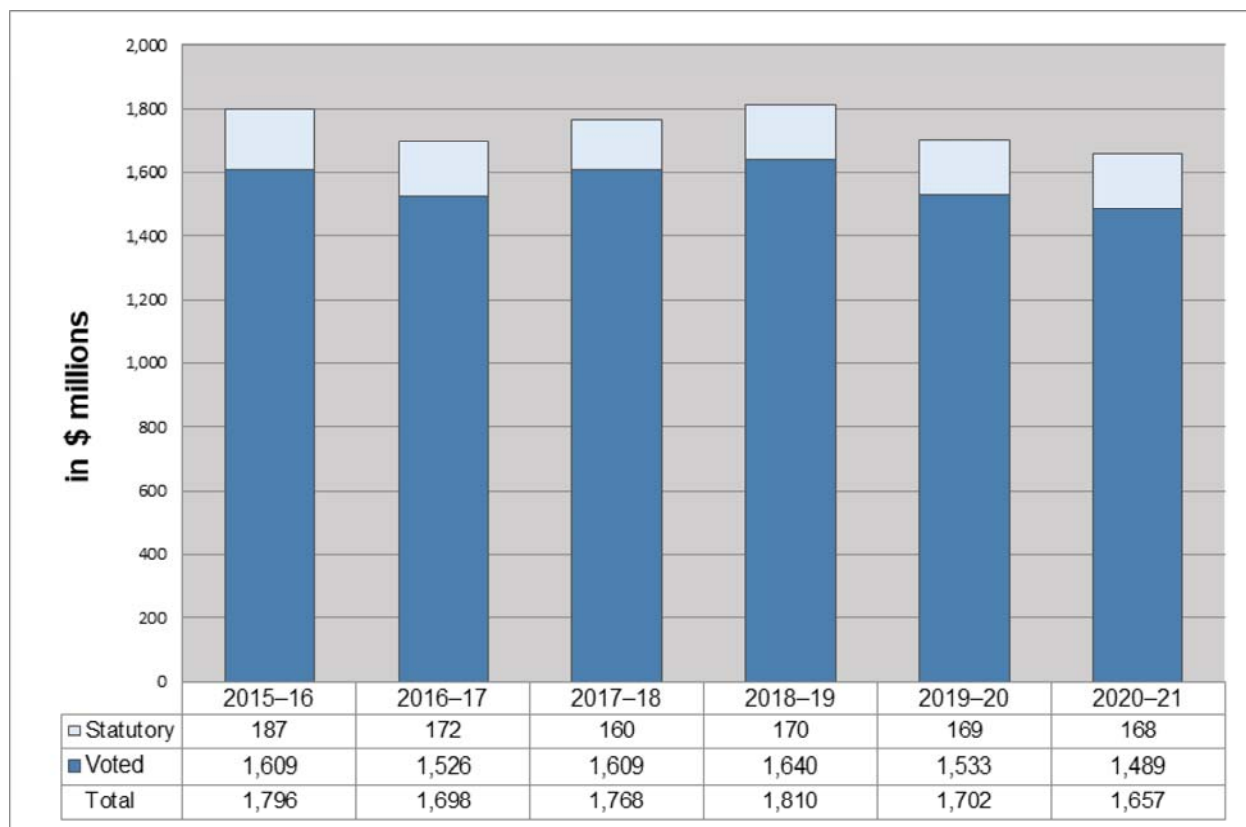
* The 2017–18 planned number of FTEs is less than the actual number of FTEs due to a higher turnover and vacancy rate as compared to other programs.

Analysis of trends in spending and human resources

Note that the figures presented in this report are based on the Agency's Program Alignment Architecture, which will be replaced with the Agency's new [Departmental Results Framework](#)ⁱⁱⁱ in future reporting documents.

Actual expenditures

Departmental spending trend graph



Budgetary performance summary for Programs and Internal Services (dollars)

Programs and Internal Services	2017–18 Main Estimates	2017–18 Planned spending*	2018–19 Planned spending**	2019–20 Planned spending**	2017–18 Total authorities available for use	2017–18 Actual spending (authorities used)	2016–17 Actual spending (authorities used)	2015–16 Actual spending (authorities used)
Risk Assessment	173,555,664	173,555,664	N/A	N/A	205,792,625	166,208,363	187,301,151	196,232,431
Secure and Trusted Partnerships	37,910,170	37,910,170			55,254,160	29,892,154	30,333,961	32,177,618
Admissibility Determination	923,906,326	923,906,326			1,174,524,339	903,849,209	847,411,519	899,788,811
Criminal Investigations	29,604,517	29,604,517			42,238,179	31,505,572	32,177,370	31,193,842
Immigration Enforcement	192,766,475	192,766,475			224,955,046	176,332,547	156,434,366	161,969,717
Recourse	10,432,587	10,432,587			12,516,608	10,119,205	9,951,251	11,322,864
Revenue and Trade Management	50,111,199	50,111,199			83,246,177	60,344,024	69,498,416	84,407,179
Subtotal	1,418,286,938	1,418,286,938	1,474,303,023	1,367,303,761	1,798,527,134	1,378,251,074	1,333,108,034	1,417,092,462
Internal Services	343,409,298	343,409,298	336,016,996	334,509,630	415,810,868	390,184,268	365,842,854	379,200,769
Total	1,761,696,236	1,761,696,236	1,810,320,019	1,701,813,391	2,214,338,002	1,768,435,342	1,698,950,888	1,796,293,231

* The 2017–18 Planned Spending excludes funding received through Supplementary Estimates and TBS central votes such as collective agreements, severance payments, parental benefits and vacation credits.

** The future planned spending for each individual program has been omitted as the CBSA's Program Alignment Architecture will be replaced with its new Departmental Results Framework as of 2018–19; however, the total planned spending across all programs and internal services has been included as it is based on the Departmental Results Framework.

In 2017–18, the Agency's appropriation throughout the year increased by \$452.6 million. Of this amount, \$237 million increased through the Supplementary Estimates, which is mainly attributable to the funding of following initiatives:

- To maintain the integrity of Canada's border operations;
- The targeted admission of 300,000 immigrants under the 2017 Immigration Levels Plan;
- The CARM initiative;
- The Temporary Foreign Workers Program and the International Mobility Program;
- To implement and administer a federal framework to legalize and regulate cannabis;
- To build capacity to address drug-impaired driving; and,
- To prepare for the 2018 G7 Summit in Charlevoix, Quebec.

In addition to this increase, the Agency received transfers of \$32.3 million from TBS central votes for the reimbursement of costs related to severance payments, parental benefits, vacation credits and collective agreements. Lastly, the Agency received \$209.4 million of the previous year's unused authorities for projects, integrity funding and collective agreements, as per the Agency's two-year appropriation. Over the next three years, the Agency's spending fluctuates

due to the realignment of funding to meet revised project timelines, as well as changes in funding for government-wide initiatives.

In 2017–18, the Actual spending was \$445.9 million less than the total authorities, of which \$226.4 million was predominately reallocated to future years. The remaining balance of \$219.5 million will be made available for use in 2018–19. There are three components to the \$219.5 million carry-forward amount:

- \$77.3 million which is not accessible by the Agency;
- \$129.3 million which lapsed for several major projects as a result of revisions to their implementation timelines, the cumulative repayment of project funds, and future liability for collective agreements; and,
- \$12.9 million is available for Agency in-year priorities.

Actual human resources

Human resources summary for Programs and Internal Services (full-time equivalents)

Programs and Internal Services	2015–16 Actual full-time equivalents	2016–17 Actual full-time equivalents	2017–18 Planned full-time equivalents	2017–18 Actual full-time equivalents	2018–19 Planned full-time equivalents*	2019–20 Planned full-time equivalents*
Risk Assessment	1,183	1,239	1,198	1,245	N/A	N/A
Secure and Trusted Partnerships	411	419	397	389		
Admissibility Determination	7,449	7,240	7,427	7,169		
Criminal Investigations	259	287	303	290		
Immigration Enforcement	1,088	1,079	993	1,114		
Recourse	110	102	111	99		
Revenue and Trade Management	766	763	667	723		
Subtotal	11,266	11,129	11,096	11,029	11,762	11,729
Internal Services	2,508	2,411	2,543	2,499	2,201	2,198
Total	13,774	13,540	13,639	13,528	13,963	13,927

* The future planned number of FTEs for each individual program has been omitted as the CBSA's Program Alignment Architecture will be replaced with its new Departmental Results Framework as of 2018–19; however, the total planned number of FTEs across all programs and internal services has been included as it is based on the Departmental Results Framework.

The above table represents the FTEs for the CBSA and reports a decline in FTEs over the past three fiscal years. The Agency has faced increasing operational pressures and has therefore taken cost avoidance measures to reduce the long-term liability associated with staffing. In the short term, human resource constraints were put in place with regard to backfilling non-frontline staff and a revised staffing approval process was implemented.

In future years, the Agency's planned number of FTEs increases due to staffing requirements to support the following:

- The workload associated with the Immigration Levels Plan;

- The implementation and administration of the legislative framework for the legalization and regulation of cannabis; and,
- The continued delivery of the Temporary Foreign Workers Program and the International Mobility Program.

Expenditures by vote

For information on the CBSA's organizational voted and statutory expenditures, consult the [Public Accounts of Canada 2017–2018](#).^{xii}

Government of Canada spending and activities

Information on the alignment of the CBSA's spending with the Government of Canada's spending and activities is available in the [GC InfoBase](#).^{iv}

Financial statements and financial statements highlights

Financial statements

The CBSA's financial statements (unaudited) for the year ended March 31, 2018 are available on the Agency's [website](#).^{xiii}

For financial reporting purposes, the activities of the CBSA have been divided into two sets of financial statements:

- **Agency Activities**, comprising the operational revenues and expenses that are managed by the CBSA and utilized in operating the organization; and,
- **Administered Activities**, comprising tax and non-tax revenues, assets and liabilities administered on behalf of the federal, provincial and territorial governments.

One reason for the distinction between Agency Activities and Administered Activities is to facilitate the assessment of the administrative efficiency of the CBSA in achieving its mandate.

Financial statements highlights

The Departmental Financial Statements are prepared on an accrual accounting basis in accordance with the Treasury Board Directive on Accounting Standards: GC 4500 Departmental Financial Statements, and include non-cash transactions. Financial information provided in other sections of this report is cash-based (planned and actual spending) and is tied to annual Parliamentary Appropriations (authorities).

Note that the figures provided in this section may not align exactly to the Agency's financial statements due to rounding to the nearest thousand in the financial statements.

Agency Activities: Condensed Statement of Operations (unaudited) for the year ended March 31, 2018 (dollars)

Financial information	2017–18 Planned results	2017–18 Actual results	2016–17 Actual results	Difference (2017–18 Actual results minus 2017–18 Planned results)	Difference (2017–18 Actual results minus 2016–17 Actual results)
Total expenses	2,004,819,000	1,917,387,926	1,869,697,696	(87,431,074)	47,690,230
Total revenues	18,430,000	21,140,768	21,127,558	2,710,768	13,210
Net cost of operations before government funding and transfers	1,986,389,000	1,896,247,158	1,848,570,138	(90,141,842)	47,677,020

Total expenses were \$87.4 million (4.4%) lower than planned results because actual capital expenditures were \$94.8 million less than planned results, mainly due to delays in major infrastructure and IT projects.

Total revenues were \$2.7 million (14.7%) higher than planned results because vote-netted revenues were \$2.7 million higher than the \$18.4 million as approved by the Treasury Board.

The increase of \$47.7 million (2.6%) in total expenses from that of the previous fiscal year mainly relates to an increase of \$19.3 million in provision for severance, a decrease of \$17.8 million in capitalization of professional services, and an increase of \$7.4 million in personal computer equipment.

Agency Activities: Condensed Statement of Financial Position (unaudited) as at March 31, 2018 (dollars)

Financial information	2017–18	2016–17	Difference (2017–18 minus 2016–17)
Total net liabilities	349,329,613	285,769,508	63,560,105
Total net financial assets	193,028,821	134,159,251	58,869,570
Departmental net debt	156,300,792	151,610,257	4,690,535
Total non-financial assets	994,134,080	954,820,081	39,313,999
Departmental net financial position	837,833,288	803,209,824	34,623,464

The increase of \$63.6 million (22.2%) in total net liabilities is mainly attributable to an increase of \$59.9 million in accounts payable and accrued liabilities as well as an increase of \$4.8 million in vacation pay and compensatory leave.

The increase of \$58.9 million (43.9%) in total net financial assets is attributable to an increase of \$12.6 in receivables from other government departments as well as an increase of \$46.8 million from the Government of Canada's Consolidated Revenue Fund (CRF), which is mainly due to timing differences between the charging of authority and the actual payment of cash for employee salaries and other payables.

The increase of \$39.3 million (4.1%) in total non-financial assets can be attributed to the increase in tangible capital assets.

The increase of \$34.6 million (4.3%) in net financial position reflects the changes in assets and liabilities.

**Administered Activities: Condensed Statement of Administered Revenues (unaudited)
for the year ended March 31, 2018 (dollars)**

Financial information	2017–18	2016–17	Difference (2017–18 minus 2016–17)
Tax revenues	32,021,416,373	30,810,237,923	1,211,178,450
Non-tax revenues	45,309,501	30,922,463	14,387,038
Bad debt expense	108,183,858	73,492,735	34,691,123
Net results	31,958,542,016	30,767,667,651	1,190,874,365

Note that, unlike the Condensed Statement of Operations for Agency Activities, the Condensed Statement of Administered Revenues for Administered Activities does not include planned results for 2017–18 as it is not subject to the Treasury Board Directive on Accounting Standards: GC 4500 Departmental Financial Statements.

Total revenues reported in the financial statements for administered activities were \$32 billion for 2017–18, representing an increase of \$1.2 billion (3.9%) over the total revenues of \$30.8 billion for 2016–17. These results are supported by trade data from Statistics Canada which show a year-over-year increase of 5.4% in Canadian importations.

**Administered Activities: Condensed Statement of Administered Assets and Liabilities
(unaudited) as at March 31, 2018 (dollars)**

Financial information	2017–18	2016–17	Difference (2017–18 minus 2016–17)
Total administered assets	3,714,540,886	3,384,562,116	329,978,770
Total administered liabilities	292,532,202	268,063,093	24,469,109
Net amount due to the CRF	3,422,008,684	3,116,499,023	305,509,661
Total administered liabilities and net amount due to the CRF	3,714,540,886	3,384,562,116	329,978,770

The total administered assets have shown an increase of 9.7% which is attributed to a combination of increased economic activities and the timing of the collection of accounts receivable from external parties and related deposits to the CRF.

The total administered liabilities have shown an increase of 9.1% compared to 2016–17. The increase in total administered liabilities is mainly attributed to an increase in the accounts payable to other government departments and agencies.

Supplementary information

Corporate information

Organizational profile

Appropriate minister:	The Honourable Ralph Goodale, P.C., M.P.
Institutional head:	John Ossowski
Ministerial portfolio:	Public Safety and Emergency Preparedness
Enabling instruments:	Canada Border Services Agency Act ⁱ Department of Public Safety and Emergency Preparedness Act ^{xiv}
Year of incorporation/commencement:	2003

Reporting framework

The CSBA's Strategic Outcome and Program Alignment Architecture of record for 2017–18 are shown below.

1. Strategic Outcome: International trade and travel is facilitated across Canada's border and Canada's population is protected from border-related risks.

1.1 Program: Risk Assessment

1.1.1 Sub-Program: Intelligence

1.1.2 Sub-Program: Targeting

1.1.3 Sub-Program: Security Screening

1.2 Program: Secure and Trusted Partnerships

1.2.1 Sub-Program: Trusted Traveller

1.2.2 Sub-Program: Trusted Trader

1.3 Program: Admissibility Determination

1.3.1 Sub-Program: Highway Mode

1.3.2 Sub-Program: Air Mode

1.3.3 Sub-Program: Rail Mode

1.3.4 Sub-Program: Marine Mode

1.3.5 Sub-Program: Postal

1.3.6 Sub-Program: Courier Low Value Shipment

1.4 Program: Criminal Investigations

1.5 Program: Immigration Enforcement

1.5.1 Sub-Program: Immigration Investigations

1.5.2 Sub-Program: Immigration Detentions

1.5.3 Sub-Program: Immigration Hearings

1.5.4 Sub-Program: Immigration Removals

1.6 Program: Recourse

1.7 Program: Revenue and Trade Management

1.7.1 Sub-Program: Anti-dumping and Countervailing

1.7.2 Sub-Program: Trade Policy

1.7.3 Sub-Program: Trade Compliance

Internal Services

Supporting information on lower-level programs

Supporting information on lower-level programs is available in the [GC InfoBase](#).^{iv}

Supplementary information tables

The following supplementary information tables are available on the CBSA's [website](#):^{xiii}

- Departmental Sustainable Development Strategy
- Internal audits and evaluations
- Response to parliamentary committees and external audits
- Status report on transformational and major Crown projects
- Fees

Federal tax expenditures

The tax system can be used to achieve public policy objectives through the application of special measures such as low tax rates, exemptions, deductions, deferrals and credits. The Department of Finance Canada publishes cost estimates and projections for these measures each year in the [Report on Federal Tax Expenditures](#).^{xv} This report also provides detailed background information on tax expenditures, including descriptions, objectives, historical information and references to related federal spending programs. The tax measures presented in this report are the responsibility of the Minister of Finance.

Organizational contact information

By Telephone:

Within Canada (toll-free):	1-800-461-9999
Outside Canada (long distance charges apply):	1-204-983-3500 or 1-506-636-5064
TTY within Canada (for those with hearing or speech impairments):	1-866-335-3237

By Email:

contact@cbsa.gc.ca

By Mail:

Canada Border Services Agency
Ottawa, ON K1A 0L8
Canada

Appendix: definitions

appropriation (crédit)

Any authority of Parliament to pay money out of the Consolidated Revenue Fund.

budgetary expenditures (dépenses budgétaires)

Operating and capital expenditures; transfer payments to other levels of government, organizations or individuals; and payments to Crown corporations.

Departmental Plan (plan ministériel)

A report on the plans and expected performance of an appropriated department over a three-year period. Departmental Plans are tabled in Parliament each spring.

Departmental Results Report (rapport sur les résultats ministériels)

A report on an appropriated department's actual accomplishments against the plans, priorities and expected results set out in the corresponding Departmental Plan.

evaluation (évaluation)

In the Government of Canada, the systematic and neutral collection and analysis of evidence to judge merit, worth or value. Evaluation informs decision making, improvements, innovation and accountability. Evaluations typically focus on programs, policies and priorities and examine questions related to relevance, effectiveness and efficiency. Depending on user needs, however, evaluations can also examine other units, themes and issues, including alternatives to existing interventions. Evaluations generally employ social science research methods.

experimentation (expérimentation)

Activities that seek to explore, test and compare the effects and impacts of policies, interventions and approaches, to inform evidence-based decision-making, by learning what works and what does not.

full-time equivalent (équivalent temps plein)

A measure of the extent to which an employee represents a full person-year charge against a departmental budget. Full-time equivalents are calculated as a ratio of assigned hours of work to scheduled hours of work. Scheduled hours of work are set out in collective agreements.

gender-based analysis plus (GBA+) (analyse comparative entre les sexes plus [ACS+])

An analytical approach used to assess how diverse groups of women, men and gender-diverse people may experience policies, programs and initiatives. The "plus" in GBA+ acknowledges that the gender-based analysis goes beyond biological (sex) and socio-cultural (gender) differences. We all have multiple identity factors that intersect to make us who we are; GBA+ considers many other identity factors, such as race, ethnicity, religion, age, and mental or physical disability. Examples of GBA+ processes include using data disaggregated by sex, gender and other intersecting identity factors in performance analysis, and identifying any impacts of the program on diverse groups of people, with a view to adjusting these initiatives to make them more inclusive.

government-wide priorities (priorités pangouvernementales)

For the purpose of the 2017–18 Departmental Results Report, those high-level themes outlining the government's agenda in the 2015 Speech from the Throne, namely: Growth for the Middle Class; Open and Transparent Government; A Clean Environment and a Strong Economy; Diversity is Canada's Strength; and Security and Opportunity.

horizontal initiative (initiative horizontale)

An initiative where two or more departments are given funding to pursue a shared outcome, often linked to a government priority.

Management, Resources and Results Structure (structure de gestion, des ressources et des résultats)

A comprehensive framework that consists of an organization's inventory of programs, resources, results, performance indicators and governance information. Programs and results are depicted in their hierarchical relationship to each other and to the Strategic Outcome(s) to which they contribute. The Management, Resources and Results Structure is developed from the Program Alignment Architecture.

non-budgetary expenditures (dépenses non budgétaires)

Net outlays and receipts related to loans, investments and advances, which change the composition of the financial assets of the Government of Canada.

performance (rendement)

What an organization did with its resources to achieve its results, how well those results compare to what the organization intended to achieve, and how well lessons learned have been identified.

performance indicator (indicateur de rendement)

A qualitative or quantitative means of measuring an output or outcome, with the intention of gauging the performance of an organization, program, policy or initiative respecting expected results.

performance reporting (production de rapports sur le rendement)

The process of communicating evidence-based performance information. Performance reporting supports decision making, accountability and transparency.

plan (plan)

The articulation of strategic choices, which provides information on how an organization intends to achieve its priorities and associated results. Generally a plan will explain the logic behind the strategies chosen and tend to focus on actions that lead up to the expected result.

planned spending (dépenses prévues)

For Departmental Plans and Departmental Results Reports, planned spending refers to those amounts that receive Treasury Board approval by February 1. Therefore, planned spending may include amounts incremental to planned expenditures presented in the Main Estimates.

A department is expected to be aware of the authorities that it has sought and received. The determination of planned spending is a departmental responsibility, and departments

must be able to defend the expenditure and accrual numbers presented in their Departmental Plans and Departmental Results Reports.

priority (priorité)

A plan or project that an organization has chosen to focus and report on during the planning period. Priorities represent the things that are most important or what must be done first to support the achievement of the desired Strategic Outcome(s) or Departmental Results.

program (programme)

A group of related resource inputs and activities that are managed to meet specific needs and to achieve intended results and that are treated as a budgetary unit.

Program Alignment Architecture (architecture d'alignement des programmes)

A structured inventory of an organization's programs depicting the hierarchical relationship between programs and the Strategic Outcome(s) to which they contribute.

result (résultat)

An external consequence attributed, in part, to an organization, policy, program or initiative. Results are not within the control of a single organization, policy, program or initiative; instead they are within the area of the organization's influence.

statutory expenditures (dépenses législatives)

Expenditures that Parliament has approved through legislation other than appropriation acts. The legislation sets out the purpose of the expenditures and the terms and conditions under which they may be made.

Strategic Outcome (résultat stratégique)

A long-term and enduring benefit to Canadians that is linked to the organization's mandate, vision and core functions.

sunset program (programme temporisé)

A time-limited program that does not have an ongoing funding and policy authority. When the program is set to expire, a decision must be made whether to continue the program. In the case of a renewal, the decision specifies the scope, funding level and duration.

target (cible)

A measurable performance or success level that an organization, program or initiative plans to achieve within a specified time period. Targets can be either quantitative or qualitative.

voted expenditures (dépenses votées)

Expenditures that Parliament approves annually through an Appropriation Act. The Vote wording becomes the governing conditions under which these expenditures may be made.

Endnotes

- i. Canada Border Services Agency Act, <http://laws-lois.justice.gc.ca/eng/acts/c-1.4/>
- ii. The Minister's mandate letter, <https://pm.gc.ca/eng/mandate-letters>
- iii. The CBSA's Departmental Results Framework, <https://www.cbsa-asfc.gc.ca/agency-agence/reports-rapports/dpr-rmr/framework-cadre-eng.html>
- iv. GC InfoBase, <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html>
- v. The CBSA's 2015 Internal Audit of Commercial Rail, <https://www.cbsa-asfc.gc.ca/agency-agence/reports-rapports/ae-ve/2015/cr-mf-eng.html>
- vi. Starting Again: Improving Government Oversight of Immigration Consultants, <http://www.publications.gc.ca/site/eng/9.838445/publication.html>
- vii. Ministerial Direction to the CBSA: Minors in Canada's Immigration Detention System, <https://www.publicsafety.gc.ca/cnt/trnsprnc/ns-trnsprnc/mnstrl-drcn-cbsa-en.aspx>
- viii. National Directive for the Detention or Housing of Minors, <https://www.cbsa-asfc.gc.ca/security-securite/detent/nddhm-dndhm-eng.html>
- ix. The CBSA's 2017–2018 Quarterly Detention Statistics, <https://www.cbsa-asfc.gc.ca/security-securite/detent/qstat-2017-2018-eng.html>
- x. The CBSA's 2017 Evaluation of the Recourse Program, <https://www.cbsa-asfc.gc.ca/agency-agence/reports-rapports/ae-ve/2017/erp-epr-eng.html>
- xi. The CBSA's 2018–2019 Service Standards, <https://www.cbsa-asfc.gc.ca/services/serving-servir/standards-normes-2018-2019-eng.html>
- xii. Public Accounts of Canada 2017–2018, <http://www.tpsgc-pwgsc.gc.ca/recgen/cpc-pac/index-eng.html>
- xiii. The CBSA's corporate documents, <https://www.cbsa-asfc.gc.ca/agency-agence/reports-rapports/menu-eng.html>
- xiv. Department of Public Safety and Emergency Preparedness Act, <http://laws-lois.justice.gc.ca/eng/acts/P-31.55/index.html>
- xv. Report on Federal Tax Expenditures, <http://www.fin.gc.ca/purl/taxexp-eng.asp>



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[Canada Border Services Agency](#)

[Home](#) → [About the CBSA](#) → [Acts and Regulations](#)

Forward Regulatory Plan: 2019 to 2021

This Forward Regulatory Plan provides information on regulatory initiatives that the Canada Border Services Agency aims to propose or finalize in the next 2 years through:

- pre-publication in the Canada Gazette, Part I
- final publication in the Canada Gazette, Part II

The Forward Regulatory Plan may also include regulatory initiatives that are planned to come forward over a longer time frame. Comments or enquiries can be made using the CBSA's contact information included with each regulatory initiative.

Regulatory Initiatives

Regulatory initiatives planned or anticipated to be proposed or finalized between 2019 and 2021:

Regulations Made Under the Customs Act

- [Canada-Honduras Free Trade Agreement Omnibus Amendments](#)
 - [Regulations Amending the Proof of Origin of Imported Goods Regulations \(CHFTA \(Canada-Honduras Free Trade Agreement\)\)](#)
- [Canada-Korea Free Trade Agreement Omnibus Amendments](#)
 - [Regulations Amending the Proof of Origin of Imported Goods Regulations \(CKFTA\) \(Canada-Korean Free Trade Agreement\)](#)
- [Customs Suffrance Warehouse Regulations](#)
- [Export Reporting Regulatory Review](#)
- [Presentation of Persons \(2003\) Regulations - Discontinuance of CANPASS Air and CANPASS Private Boats](#) | Added 2019-04-01
- [Presentation of Persons \(2003\) Regulations - Miscellaneous](#)
- [Regulatory Amendments Consequent to the Conveyance Presentation and Reporting Requirements Modernization Act](#)

Regulations Made Under the Immigration and Refugee Protection Act

- [Conclusive Findings of Facts Related to Admissibility](#)
- [Recovery of Removal Costs](#)
- [Removal Orders and Immigration Document Invalidation](#)
- [Standing Joint Committee for the Scrutiny of Regulations - Factors Related to Deposits and Guarantees](#)
- [Standing Joint Committee for the Scrutiny of Regulations - Return of Things Seized](#)

Consult the CBSA's [acts and regulations web page](#) for:

- a list of acts and regulations administered by the CBSA
- further information on the CBSA's implementation of government-wide regulatory management initiatives

Consult the following for links to the Cabinet Directive on Regulation and supporting policies and guidance, and for information on government-wide regulatory initiatives implemented by departments and agencies across the Government of Canada:

- [Federal regulatory management](#)
- [Learn more about regulatory cooperation](#)

For more information

- [Government-wide Administrative Burden Baseline counts](#)
- [Government-Wide Forward Regulatory Plans](#)
- [Cabinet Directive on Regulatory Management](#)
- [Red Tape Reduction Action Plan](#)
- [Canada-United States Regulatory Cooperation Council](#)

To learn about upcoming or ongoing consultations on proposed federal regulations, visit the [Canada Gazette](#) and [Consulting with Canadians](#) websites.

Date modified:

2019-09-23



Canada Border
Services Agency

Agence des services
frontaliers du Canada



Annual Report to Parliament on the Access to *Information Act*

Canada Border Services Agency

2017–2018

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Catalogue No. PS35-12E-PDF
ISSN 2562-5039

This document is available on the Canada Border Services Agency
website at www.cbsa-asfc.gc.ca

This document is available in alternative formats upon request.
Aussi offert en français sous le titre : Rapport annuel au Parlement sur la Loi sur l'accès à l'information 2017-2018

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Chapter One: *Access to Information Act* Report

Introduction

The Canada Border Services Agency (CBSA) is pleased to present to Parliament, in accordance with section 72 of the *Access to Information Act*, its annual report on the management of this Act. The report describes the activities that support compliance with the *Access to Information Act* for the fiscal year commencing April 1, 2017, and ending March 31, 2018. During this period, the CBSA continued to build on successful practices implemented in previous years.

The purpose of this Act is to extend the present laws of Canada to provide a right of access to information in records under the control of a government institution in accordance with the principles that government information should be available to the public, that necessary exceptions to the right of access should be limited and specific and that decisions on the disclosure of government information should be reviewed independently of government.¹

As stated in subsections 72(1) and 72(2) of the *Access to Information Act*, “The head of every government institution shall prepare for submission to Parliament an annual report on the administration of this Act within the institution during each financial year.... Every report prepared under subsection (1) shall be laid before each House of Parliament within three months after the financial year in respect of which it is made or, if that House is not then sitting, on any of the first fifteen days next thereafter that it is sitting.”²

Organization

I. About the Canada Border Services Agency

Since 2003, the CBSA has been an integral part of the Public Safety Canada (PS) portfolio, which was created to ensure coordination across all federal departments and agencies responsible for national security and the safety of Canadians.³ The CBSA itself is responsible for providing integrated border services that support national security and public safety priorities and facilitate the free flow of persons and goods, including animals and plants, that meet all requirements under the program legislation.

The CBSA carries out its responsibilities with a workforce of approximately 14,000 employees, including over 7,000 uniformed CBSA officers who provide services at approximately 1,100 points across Canada and at 36 international locations.

II. Access to Information and Privacy Division

The Access to Information and Privacy (ATIP) Division is comprised of six units: an Administration section, three Case Management units, and two Policy units. The Administration section’s function is to receive all incoming requests and consultations, to ensure quality control of all outgoing correspondence, and

¹ *Access to Information Act*, R.S.C., 1985, Chapter A-1. Retrieved from the Department of Justice Canada webpage: <http://laws-lois.justice.gc.ca/eng/acts/A-1/page-1.html>.

² Ibid.

³ PS webpage, About Public Safety Canada, www.publicsafety.gc.ca/cnt/bt/index-eng.aspx, accessed May 10, 2018.

to support the Case Management units in their day-to-day business. The Case Management units assign branches and regions with retrieval requests, process requests for information under the *Access to Information Act*, and provide daily operational guidance and support to CBSA employees. The ATIP Policy and Governance Unit develops policies, tools, and procedures to support ATIP requirements within the CBSA and provides training to employees. The Information Sharing and Collaborative Arrangement Policy Unit maintains the policy framework for the CBSA's information-sharing and domestic written collaborative arrangements. On average, 60 full-time equivalents, and seven part-time and casual employees were employed in the ATIP Division during fiscal year 2017–2018.

The ATIP coordinator for the CBSA is the Director of the ATIP Division. The ATIP Division is part of the Corporate Secretariat, which reports to the Vice-President (VP) of the Corporate Affairs Branch. Consistent with best practices identified by the Treasury Board of Canada Secretariat (TBS)⁴, the CBSA's ATIP coordinator is positioned within three levels of the President and has full delegated authority, reporting directly to the Director General of the Corporate Secretariat, who in turn reports to the VP of the Corporate Affairs Branch.

Key to maintaining compliance with the statutory time requirements of the *Access to Information Act* is the ATIP Division's ability to obtain records from branches and regions in a timely and reliable manner. Supported by a network of 17 ATIP liaison officers across the CBSA, the ATIP Division is well-positioned to receive, coordinate, and process requests for information under the *Access to Information Act*.

The ATIP Division works closely with other members of the PS portfolio, including the Canadian Security Intelligence Service, the Correctional Service of Canada, the Parole Board of Canada, and the Royal Canadian Mounted Police, to share best practices and develop streamlined processes for the retrieval of jointly held records within the 30-day legislated time frame required to respond to access to information requests.

Activities and Accomplishments

I. Performance

Fiscal year 2017–2018 saw record volumes of access to information requests made to the CBSA. The record volumes are largely attributable to individuals seeking copies of their history of arrival dates into Canada. In fiscal year 2017–2018, 49% of all access to information requests received by the CBSA came from individuals seeking their Traveller History Report, which contains information used to support residency requirements for programs administered by Immigration, Refugees and Citizenship Canada (IRCC) and Employment and Social Development Canada (ESDC).

The CBSA continued to see high volumes of access to information requests submitted through the Access to Information and Privacy Online Request tool. Through this tool, the Agency received 5,791 requests, which amounted to 77.6% of all access to information requests received by the CBSA.

The CBSA also continued to offer the electronic format for responses to access to information requests. Although electronic format made up only 31.2% of all formal access to information requests that were

⁴ TBS webpage, Report on the TBS Study of Best Practices for Access to Information Requests Subject to Particular Processing, www.tbs-sct.gc.ca/atip-aiprp/tools/practices-pratiques-eng.asp, accessed May 10, 2018.

either all disclosed or disclosed in part in fiscal year 2017–2018, these requests accounted for 99.6% of all the pages the CBSA disclosed in their entirety or disclosed in part this fiscal year.

II. Education and Training

In fiscal year 2017–2018, the ATIP Division continued to conduct bilingual training sessions that supported the implementation of streamlined processing procedures and built an awareness of ATIP obligations. These sessions are designed to ensure that the participants fully understand their responsibilities under the *Access to Information Act*, with a focus on requests made pursuant to the Act and the duty-to-assist principles. Fifteen sessions were offered, with 204 National Capital Region (NCR) and regional employees taking part.

CBSA employees also took advantage of the free online course entitled “Managing Information at the Canada Border Services Agency and the *Access to Information Act* and the *Privacy Act*.” This one-hour online course was designed to provide employees with the basic principles for effectively managing information in their daily work. After completing this course, employees will have acquired the knowledge to better identify various types of information, learned how requests under the *Access to Information Act* and the *Privacy Act* are handled, and learned about their responsibilities throughout the process. A total of 689 participants have completed the online training in fiscal year 2017–2018.

Moreover, the ATIP Division delivered 11 in-class training sessions on section 107 of the *Customs Act*, as well as basic information-sharing, disclosure of intelligence-related information, and business line-specific training sessions to 238 employees in the NCR and across the regions. In addition, before attending the in-class training, employees are advised to complete the interactive online training course, regarding information sharing that was developed by the ATIP Division.

Further, the ATIP Division developed a communications plan to raise employees’ awareness of their obligations under the *Access to Information Act*. The plan leverages key dates, such as Right to Know Week, and other activities at the CBSA to promote ATIP tools, resources, and awareness.

Finally, the ATIP Division continues to actively participate in the TBS-led ATIP coordinators’ and ATIP practitioners’ meetings. These meetings provide opportunities for ATIP employees from the CBSA to liaise with employees from other institutions to discuss various issues and challenges that have been identified by the ATIP community.

III. New and Revised *Access to Information Act* Policies and Procedures

During fiscal year 2017–2018, the CBSA continued to revise existing policies and to develop new ones.

The ATIP Division has taken a number of measures to enhance and promote ATIP tools that are readily accessible to CBSA employees by utilizing Apollo (GCDocs). To this end, we are able to ensure that the ATIP intranet site is up to date and available to all CBSA employees. This allows the ATIP Division to quickly share information and best practices and to facilitate collaboration across the Agency.

During the reporting period, the ATIP Policy and Governance Unit developed an ATIP Handbook. This handbook is designed to help ATIP employees in their day to day work. It includes reference material and provides clear guidance on CBSA policies and procedures which can be easily referenced. The first issue of the Handbook focused on the Administrative section of the ATIP Division. The second issue,

currently underway, will focus on the day to day work of the Case Management units. The Handbook will remain an evergreen document subject to updates and revisions.

As required by the Directive on the Administration of the *Access to Information Act* and as part of the open government initiative, the CBSA posts summaries each month of completed access to information requests on the Government of Canada's mandated website. These requests do not include personal information or any other information that would be exempted or excluded under the Act or that could reveal a requester's identity. As most requests received by the CBSA are client-specific, the CBSA only posted 385 requests on the website, representing 5.3% of the requests completed by the Agency. The CBSA also received 985 informal enquiries for requests posted on the website in fiscal year 2017–2018, as compared to 1,451 in the previous year, a decrease of 32%.

The ATIP Division continued to provide the service of informally reviewing CBSA records for internal programs as if they had been requested under the *Access to Information Act*. The ATIP Division received 18 internal requests of this nature in fiscal year 2017–2018.

The ATIP Division closely monitors the time it takes to process access to information requests. Monthly reports, which show trends and performance, are submitted to the managers of the Case Management units, the Director of the ATIP Division, and the Director General of the Corporate Secretariat. Monthly reports consisting of statistics on the performance of the offices of primary interest are also distributed to all ATIP liaison officers. Finally, quarterly trend reports portraying the overall performance of the Agency are reviewed and discussed during meetings of the Agency's Executive Committee⁵ and are included in the Agency Performance Summary.

IV. Reading Room

The CBSA, in accordance with the *Access to Information Act*, maintains a reading room for applicants who wish to review material in person at the CBSA. Applicants may access the reading room by contacting the CBSA's ATIP Director by telephone at 343-291-7021 or by sending an email to ATIP-AIPRP@cbsa-asfc.gc.ca. The reading room is located at:

Place Vanier Complex, 14th Floor, Tower A
333 North River Road
Ottawa, Ontario K1A 0L8

V. Audits of, and Investigations into the Access to Information Practices of the Canada Border Services Agency

In 2017–2018, there were no key issues raised as a result of access to information investigations, and no audits were conducted that related to the access to information practices of the CBSA.

⁵ The Executive Committee (EC) is the CBSA's senior management decision-making forum responsible for the overall strategic management and direction of the Agency's policy, program, and corporate responsibilities. Membership on the EC is as follows: President, Executive VP, VPs, Associate VPs, Senior General Counsel, Director General of Internal Audit and Program Evaluation, and Director General of the Corporate Secretariat.

Delegation Order

See Annex A for a signed copy of the delegation order.

Chapter Two: Statistical Report

Statistical Report on the *Access to Information Act*

See Annex B for the CBSA’s statistical report on the *Access to Information Act*.

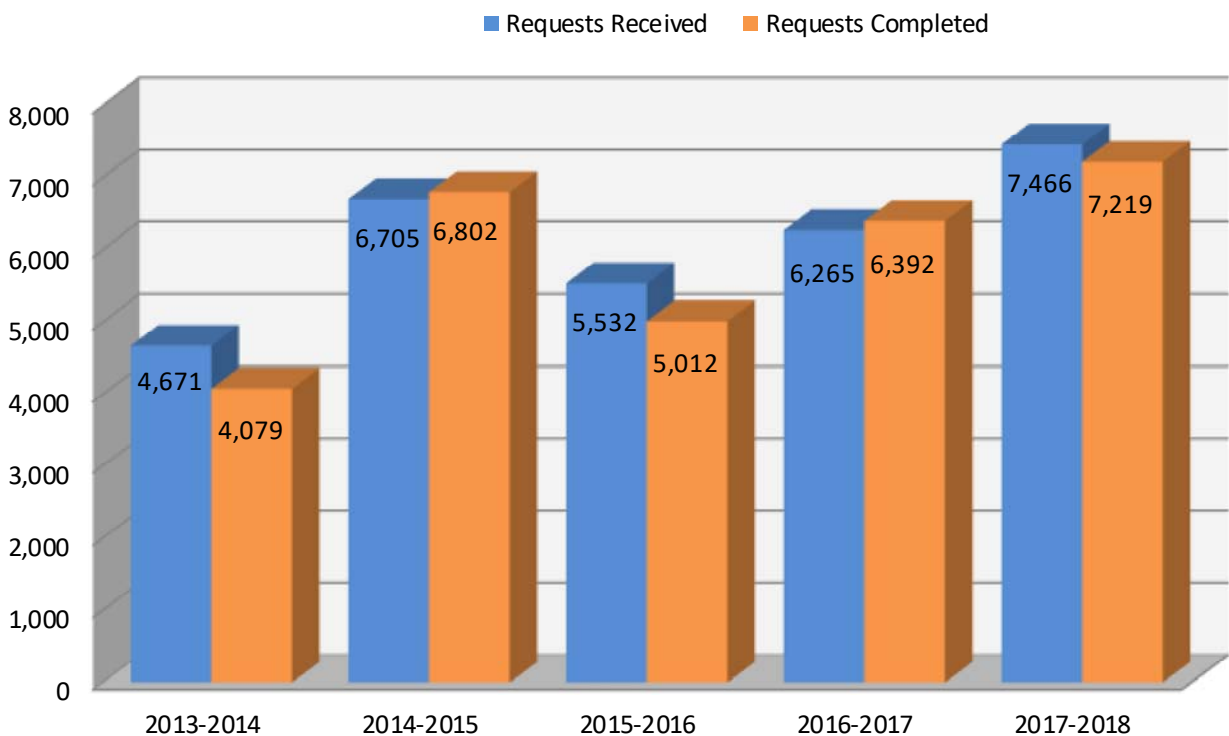
Interpretation of the Statistical Report

I. Requests Processed Under the *Access to Information Act*

The CBSA received 7,466 *Access to Information Act* requests in fiscal year 2017–2018, which was an increase of 19.2% over the previous year. Moreover, the CBSA responded to 7,219 *Access to Information Act* requests, representing 81% of the total number of requests received and outstanding from the previous reporting period.

For the past five years, the CBSA has consistently been among the top government departments in terms of workload. While receiving a substantial number of requests each year, the CBSA has been able to maintain and improve upon its performance in a year which saw the greatest number of requests ever received.

Access to Information Requests Received/Completed



II. Outstanding Requests from Previous Years

With the exception of the 2014–2015 reporting period, the CBSA has consistently received more requests than it has been able to close each year; this has created a backlog of files that require processing. This backlog has been reduced substantially in the past year from 748 late files at the end of 2016–2017 to 475 files in this reporting period.

Of the 1,726 requests carried over to fiscal year 2018–2019, 1,251 were on time and 475 were late.

III. Completion Time

Of all the requests completed, the CBSA was successful in responding to 86.8% within the legislated timelines, an increase from the 80.1% achieved last fiscal year.

In total, 1,928 extensions were applied for in fiscal year 2017–2018. This represents an increase of 91.1% in extensions in comparison to the previous fiscal year. This is reflective of the increased volume of requests received, which has made it more challenging for the Agency to process files within the 30 day legislated time frame.

IV. Complaints and Investigations

Subsection 30(1) of the *Access to Information Act* describes how the OIC receives and investigates complaints from individuals regarding the information held by a government institution. Examples of complaints the OIC may choose to investigate include refusal to disclose records, missing information, or failure to provide information in the official language requested by the individual.

For 2017–2018, 113 *Access to Information Act* complaints were filed against the CBSA, a decrease of 9.6% compared to fiscal year 2016–2017. The number of complaints filed relate to only 1.6% of the 7,219 access to information requests completed during this period. The complaints received during the fiscal year were related to the following issues: time delay (28); application of exemptions or exclusions (28); refusal to disclose records or missing information (28); time extension (21); collection (4); miscellaneous (3); and use and disclosure (1).

Of the 77 complaints resolved in fiscal year 2017–2018, 24 were deemed well-founded; 23 were resolved; 17 were discontinued; 10 were deemed not well-founded; two were not substantiated; and one was settled. Where complaints are substantiated, the matter is reviewed by the delegated managers and processes are adjusted if required.

Two complaint findings stood out in this reporting period. In the first complaint, the requester was seeking information related to the enforcement of the Intellectual Property Rights Program. The majority of the responsive records were completed BSF738 Request for Assistance forms, which were withheld under subsection 24(1) of the *Access to Information Act*. The OIC agreed that the information was indeed customs information as defined by section 107 of the *Customs Act* and the exemption was valid. The OIC recommended that the CBSA consider severance. The CBSA clarified its position regarding section 25 of the *Access to Information Act* that no amount of severing would render the records releasable, and severing the information on the form would remove the value of the record, and provide no useful information to the requester. Furthermore, the form, and supporting information are publicly available on the CBSA's website.

In addition, and as reported to the OIC, the requester confirmed that receiving severed information in this case would serve no useful purpose. Despite this information, the OIC deemed the complaint to be well-founded.

The second complaint dealt with the largest data release in the Agency's history. In this case, the requester was seeking an extremely large data set involving border crossings over a 10 year period. The CBSA was in regular contact with the requester, and it required significant investment to respond to this unique and complex request. The request involved the production of the equivalent of approximately 14.8 million un-redacted pages. The volume of records alone, which were extracted from a critical operational CBSA system, represented a significant information technology challenge to produce the requested information and in the end it took almost 9 months to complete this request from the date it was submitted.

Notwithstanding that the request became a deemed refusal, it is the CBSA's view that the Agency did everything in its power to accommodate the request in a timely manner, particularly in the context of processing thousands of other requests during the same period. The OIC's Report of Finding stated that the CBSA failed in its duty to assist the requester and implied that their intervention is what resulted in the resolution of the complaint.

The position taken in these two Reports of Finding raises concerns in the complaint resolution process. The CBSA looks forward to working more collaboratively with the OIC in order that access to information practices are improved to the benefit of Canadians while respecting provisions of the Act with respect to appropriate disclosure.

V. Conclusion

The achievements portrayed in this report reflect the CBSA's commitment to ensuring that every reasonable effort is made to meet its obligations under the *Access to Information Act*. The CBSA strives to provide Canadians with the information to which they have a right in a timely and helpful manner by balancing the right of access with the need to protect the integrity of the border services that support national security and public safety priorities.

Annex A – Delegation Order

Ministerial Order
Access to Information Act & Privacy Act (ATIP)

Pursuant to section 73 of the *Access to Information Act*¹ and section 73 of the *Privacy Act*², I hereby designate the persons holding the positions set out in the schedule hereto, or a person authorized to exercise the powers or perform the duties and functions of that position, to exercise or perform the powers, duties and functions of the Minister of Public Safety and Emergency Preparedness as the head of the Canada Border Services Agency under the provisions of the Act and related regulations set out in the schedule opposite each position.

This Order replaces previous designation orders and comes into force on the date on which it is signed.

Dated at Ottawa, Province of Ontario, this 15th day of February, 2017.



The Honourable Ralph Goodale, P.C., M.P.
Minister of Public Safety and Emergency Preparedness

¹ R.S.C., 1985, c. A-1

² R.S.C., 1985, c. P-21

Schedule
Ministerial Order under the *Access to Information Act* & the *Privacy Act*

Positions	<i>Access to Information Act</i> and Regulations	<i>Privacy Act</i> and Regulations
President	Full authority	Full authority
Executive Vice-President	Full authority	Full authority
Vice-President, Corporate Affairs Branch	Full authority	Full authority
Director General, Corporate Secretariat	Full authority	Full authority
Director, ATI Privacy Division	Full authority	Full authority
Assistant Director, ATI Privacy Division	Full authority	Full authority (except 8(2)(m))
Team Leader, ATI Privacy Division	Full authority	Full authority (except 8(2)(m))

Annex B – Statistical Report

Statistical Report on the *Access to Information Act*

Name of institution: Canada Border Services Agency

Reporting period: 2017-04-01 to 2018-03-31

Part 1: Requests Under the *Access to Information Act*

1.1 Number of requests

	Number of Requests
Received during reporting period	7,466
Outstanding from previous reporting period	1,479
Total	8,945
Closed during reporting period	7,219
Carried over to next reporting period	1,726

1.2 Sources of requests

Source	Number of Requests
Media	236
Academia	195
Business (private sector)	3,187
Organization	188
Public	3,239
Decline to Identify	421
Total	7,466

1.3 Informal requests

Completion Time							
1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	Total
707	241	36	0	0	0	1	985

Note: All requests previously recorded as “treated informally” will now be accounted for in this section only.

Part 2: Requests Closed During the Reporting Period

2.1 Disposition and completion time

Disposition of Requests	Completion Time							
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	Total
All disclosed	7	2,432	654	68	8	17	8	3,194
Disclosed in part	7	756	592	1,007	162	137	216	2,877
All exempted	0	4	3	2	2	0	0	11
All excluded	1	10	3	1	1	0	1	17
No records exist	8	175	54	28	2	4	7	278
Request transferred	18	0	0	0	0	0	0	18
Request abandoned	358	251	37	16	3	4	155	824
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	399	3,628	1,343	1,122	178	162	387	7,219

2.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
13(1)(a)	1,063	16(2)	75	18(a)	0	20.1	0
13(1)(b)	194	16(2)(a)	3	18(b)	1	20.2	0
13(1)(c)	179	16(2)(b)	5	18(c)	0	20.4	0
13(1)(d)	316	16(2)(c)	1,459	18(d)	1	21(1)(a)	75
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	83
14	0	16.1(1)(a)	0	18.1(1)(b)	0	21(1)(c)	14
14(a)	2	16.1(1)(b)	0	18.1(1)(c)	0	21(1)(d)	17
14(b)	3	16.1(1)(c)	0	18.1(1)(d)	0	22	16
15(1)	0	16.1(1)(d)	0	19(1)	2,472	22.1(1)	0
15(1) - I.A.*	60	16.2(1)	0	20(1)(a)	3	23	138
15(1) - Def.*	42	16.3	0	20(1)(b)	27	24(1)	60
15(1) - S.A.*	1,144	16.4(1)(a)	0	20(1)(b.1)	0	26	50
16(1)(a)(i)	39	16.4(1)(b)	0	20(1)(c)	19		
16(1)(a)(ii)	17	16.5	1	20(1)(d)	2		
16(1)(a)(iii)	6	17	1				
16(1)(b)	72						
16(1)(c)	2,230						
16(1)(d)	3						

* I.A.: International Affairs Def.: Defence of Canada S.A.: Subversive Activities

2.3 Exclusions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
68(a)	18	69(1)	0	69(1)(g) re (a)	5
68(b)	0	69(1)(a)	2	69(1)(g) re (b)	0
68(c)	0	69(1)(b)	0	69(1)(g) re (c)	0
68.1	0	69(1)(c)	0	69(1)(g) re (d)	0
68.2(a)	0	69(1)(d)	1	69(1)(g) re (e)	0
68.2(b)	0	69(1)(e)	0	69(1)(g) re (f)	0
		69(1)(f)	0	69.1(1)	0

2.4 Format of information released

Disposition	Paper	Electronic	Other Formats
All disclosed	3,137	57	0
Disclosed in part	1,039	1,838	0
Total	4,176	1,895	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Disposition of Requests	Number of Pages Processed	Number of Pages Disclosed	Number of Requests
All disclosed	14,892,372	14,892,372	3,194
Disclosed in part	761,939	506,940	2,877
All exempted	2,333	0	11
All excluded	681	0	17
Request abandoned	31,345	0	824
Neither confirmed nor denied	0	0	0

2.5.2 Relevant pages processed and disclosed by size of requests

Disposition	Less Than 100 Pages Processed		101–500 Pages Processed		501–1000 Pages Processed		1001–5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
All disclosed	3,169	12,638	14	1,755	4	3,095	2	23	5	14,874,861
Disclosed in part	1,342	40,015	1,162	216,182	251	120,318	113	108,819	9	21,606
All exempted	8	0	2	0	0	0	1	0	0	0
All excluded	16	0	0	0	1	0	0	0	0	0
Request abandoned	778	0	15	0	22	0	9	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	5,313	52,653	1,193	217,937	278	123,413	125	108,842	14	14,896,467

2.5.3 Other complexities

Disposition	Consultation Required	Assessment of Fees	Legal Advice Sought	Other	Total
All disclosed	12	0	0	0	12
Disclosed in part	187	0	1	2	190
All exempted	0	0	0	0	0
All excluded	1	0	0	0	1
Request abandoned	30	0	1	0	31
Neither confirmed nor denied	0	0	0	0	0
Total	230	0	2	2	234

2.6 Deemed refusals

2.6.1 Reasons for not meeting statutory deadline

Number of Requests Closed Past the Statutory Deadline	Principal Reason			
	Workload	External Consultation	Internal Consultation	Other
943	943	0	0	0

2.6.2 Number of days past deadline

Number of Days Past Deadline	Number of Requests Past Deadline Where No Extension Was Taken	Number of Requests Past Deadline Where An Extension Was Taken	Total
1 to 15 days	108	82	190
16 to 30 days	36	34	70
31 to 60 days	29	49	78
61 to 120 days	18	46	64
121 to 180 days	17	45	62
181 to 365 days	59	74	133
More than 365 days	167	179	346
Total	434	509	943

2.7 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	0	0	0

Part 3: Extensions

3.1 Reasons for extensions and disposition of requests

Disposition of Requests Where an Extension Was Taken	9(1)(a) Interference With Operations	9(1)(b) Consultation		9(1)(c) Third-Party Notice
		Section 69	Other	
All disclosed	186	0	11	1
Disclosed in part	1,524	0	92	1
All exempted	4	0	0	0
All excluded	3	0	1	0
No records exist	47	0	0	0
Request abandoned	53	0	4	1
Total	1,817	0	108	3

3.2 Length of extensions

Length of Extensions	9(1)(a) Interference With Operations	9(1)(b) Consultation		9(1)(c) Third-Party Notice
		Section 69	Other	
30 days or less	10	0	0	0
31 to 60 days	483	0	14	0
61 to 120 days	1,035	0	45	1
121 to 180 days	149	0	11	1
181 to 365 days	111	0	16	0
365 days or more	29	0	22	1
Total	1,817	0	108	3

Part 4: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of Requests	Amount	Number of Requests	Amount
Application	7,466	\$37,330	1,583	\$7,915
Search	0	\$0	0	\$0
Production	0	\$0	0	\$0
Programming	0	\$0	0	\$0
Preparation	0	\$0	0	\$0
Alternative format	0	\$0	0	\$0
Reproduction	0	\$0	0	\$0
Total	7,466	\$37,330	1,583	\$7,915

Part 5: Consultations Received From Other Institutions and Organizations

5.1 Consultations received from other Government of Canada institutions and organizations

Consultations	Other Government of Canada Institutions	Number of Pages to Review	Other Organizations	Number of Pages to Review
Received during reporting period	416	13,504	24	3,483
Outstanding from the previous reporting period	53	7,722	2	54
Total	469	21,226	26	3,537
Closed during the reporting period	389	10,995	23	3,501
Pending at the end of the reporting period	80	10,231	3	36

5.2 Recommendations and completion time for consultations received from other Government of Canada institutions

Recommendation	Number of Days Required to Complete Consultation Requests							
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	Total
Disclose entirely	44	25	41	26	8	7	5	156
Disclose in part	34	58	44	24	13	12	4	189
Exempt entirely	2	8	4	0	1	1	0	16
Exclude entirely	1	0	0	0	0	0	0	1
Consult other institution	0	0	0	0	0	0	0	0
Other	8	4	1	2	1	5	6	27
Total	89	95	90	52	23	25	15	389

5.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of Days Required to Complete Consultation Requests							
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	Total
Disclose entirely	0	2	1	4	1	0	0	8
Disclose in part	1	5	1	3	1	0	0	11
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	1	0	0	0	0	0	1
Consult other institution	0	0	0	0	0	0	0	0
Other	0	1	1	1	0	0	0	3
Total	1	9	3	8	2	0	0	23

Part 6: Completion Time of Consultations on Cabinet Confidences

6.1 Requests with Legal Services

Number of Days	Fewer Than 100 Pages Processed		101–500 Pages Processed		501–1000 Pages Processed		1001–5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	1	2,279	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	1	2,279	0	0

6.2 Requests with Privy Council Office

Number of Days	Fewer Than 100 Pages Processed		101–500 Pages Processed		501–1000 Pages Processed		1001–5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

Part 7: Complaints and Investigations

Section 32	Section 35	Section 37	Total
113	0	25	138

Part 8: Court Action

Section 41	Section 42	Section 44	Total
0	0	0	0

Part 9: Resources Related to the *Access to Information Act*

9.1 Costs

Expenditures		Amount
Salaries		\$1,763,373
Overtime		\$40,688
Goods and Services		\$142,740
• Professional services contracts	\$0	
• Other	\$142,740	
Total		\$1,946,801

9.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	16.64
Part-time and casual employees	2.38
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
Total	19.02



Canada Border
Services Agency

Agence des services
frontaliers du Canada



Annual Report to Parliament on the *Privacy Act*

Canada Border Services Agency

2017–2018

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Catalogue No. PS35-13E-PDF
ISSN 2562-5047

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This document is available in alternative formats upon request.
Aussi offert en français sous le titre : Rapport annuel au Parlement sur la Loi sur la protection des renseignements
personnels 2017-2018

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Chapter One: *Privacy Act* Report

Introduction

The Canada Border Services Agency (CBSA) is pleased to present to Parliament, in accordance with section 72 of the *Privacy Act*, its annual report on the management of this Act. The report describes the activities that support compliance with the *Privacy Act* for the fiscal year commencing April 1, 2017, and ending March 31, 2018. During this period, the CBSA continued to build on successful practices implemented in previous years.

The purpose of this Act is to extend the present laws of Canada that protect the privacy of individuals with respect to personal information about themselves held by a government institution and that provide individuals with a right of access to that information.¹

As stated in subsections 72(1) and 72(2) of the *Privacy Act*, “The head of every government institution shall prepare for submission to Parliament an annual report on the administration of this Act within the institution during each financial year.... Every report prepared under subsection (1) shall be laid before each House of Parliament within three months after the financial year in respect of which it is made or, if that House is not then sitting, on any of the first fifteen days next thereafter that it is sitting.”²

Organization

I. About the Canada Border Services Agency

Since 2003, the CBSA has been an integral part of the Public Safety Canada (PS) portfolio, which was created to ensure coordination across all federal departments and agencies responsible for national security and the safety of Canadians.³ The CBSA itself is responsible for providing integrated border services that support national security and public safety priorities and facilitate the free flow of persons and goods, including animals and plants, that meet all requirements under the program legislation.

The CBSA carries out its responsibilities with a workforce of approximately 14,000 employees, including over 7,000 uniformed CBSA officers who provide services at approximately 1,100 points across Canada and at 36 international locations.

II. Access to Information and Privacy Division

The Access to Information and Privacy (ATIP) Division is comprised of six units: an Administration section, three Case Management units, and two Policy units. The Administration section’s function is to receive all incoming requests and consultations, to ensure quality control of all outgoing correspondence, and to support the Case Management units in their day-to-day business. The Case Management units assign branches and regions with retrieval requests, process requests under the *Privacy Act*, and provide daily operational guidance and support to CBSA employees. The ATIP Policy and Governance Unit develops

¹ *Privacy Act*, R.S., 1985, Chapter P-21. Retrieved from the Department of Justice Canada webpage, <http://laws-lois.justice.gc.ca/eng/acts/P-21/page-1.html>.

² Ibid.

³ PS webpage, About Public Safety Canada, www.publicsafety.gc.ca/cnt/bt/index-eng.aspx, accessed May 10, 2018.

policies, tools, and procedures to support ATIP requirements within the CBSA and provides training to employees. The Information Sharing and Collaborative Arrangement Policy Unit maintains the policy framework for the CBSA's information-sharing and domestic written collaborative arrangements. On average, 60 full-time equivalents, and seven part-time and casual employees were employed in the ATIP Division during fiscal year 2017–2018.

The ATIP coordinator for the CBSA is the Director of the ATIP Division. The ATIP Division is part of the Corporate Secretariat, which reports to the Vice-President (VP) of the Corporate Affairs Branch. Consistent with best practices identified by the Treasury Board of Canada Secretariat (TBS),⁴ the CBSA's ATIP coordinator is positioned within three levels of the President and has full delegated authority, reporting directly to the Director General of the Corporate Secretariat, who in turn reports to the VP of the Corporate Affairs Branch.

Key to maintaining compliance with the statutory time requirements of the *Privacy Act* is the ATIP Division's ability to obtain personal information from branches and regions in a timely and reliable manner. Supported by a network of 17 ATIP liaison officers across the CBSA, the ATIP Division is well-positioned to receive, coordinate, and process requests for personal information under the *Privacy Act*.

The ATIP Division works closely with other members of the PS portfolio, including the Canadian Security Intelligence Service, the Correctional Service of Canada, the Parole Board of Canada, and the Royal Canadian Mounted Police, to share best practices and develop streamlined processes for the retrieval of jointly held records within the 30-day legislated time frame required to respond to privacy requests.

Activities and Accomplishments

I. Performance

Fiscal year 2017–2018 saw record high volumes of privacy requests made to the CBSA. The record volumes are largely attributable to individuals seeking copies of their history of arrival dates into Canada. In fiscal year 2017–2018, 80% of all the privacy requests received by the CBSA came from individuals seeking their Traveller History Report, which contains information used to support residency requirements for programs administered by Immigration, Refugees and Citizenship Canada (IRCC) and Employment and Social Development Canada (ESDC).

The CBSA continued to see high volumes of privacy requests submitted through the Access to Information and Privacy Online Request tool. Through this tool, the Agency received 8,898 requests, which amounted to 66.3% of all privacy requests received by the CBSA.

The CBSA continued to offer the electronic format for responses to privacy requests. Although electronic format made up only 11.1% of all formal privacy requests that were either all disclosed or disclosed in

⁴ TBS webpage, Report on the TBS Study of Best Practices for Access to Information Requests Subject to Particular Processing, www.tbs-sct.gc.ca/atip-aiprp/tools/practices-pratiques-eng.asp, accessed May 10, 2018.

part in fiscal year 2017–2018, these requests accounted for 88.1% of all the pages the CBSA disclosed in their entirety or disclosed in part this fiscal year.

The ATIP Division also provided case-by-case policy guidance to CBSA program areas related to the disclosure of information under section 8 of the *Privacy Act* and section 107 of the *Customs Act*. In total, the ATIP Division received 1,592 requests for guidance in fiscal year 2017–2018, representing an increase of 18.8% over the previous year.

II. Education and Training

In fiscal year 2017–2018, the ATIP Division continued to conduct bilingual training sessions that supported the implementation of streamlined processing procedures and built an awareness of ATIP obligations. These sessions are designed to ensure that the participants fully understand their responsibilities under the *Privacy Act*, with a focus on requests made pursuant to the Act and the duty-to-assist principles. Fifteen sessions were offered, with 204 National Capital Region (NCR) and regional employees taking part.

CBSA employees also took advantage of the free online course entitled “Managing Information at the Canada Border Services Agency and the *Access to Information Act* and the *Privacy Act*.” This one-hour online course was designed to provide employees with the basic principles for effectively managing information in their daily work. After completing this course, employees will have acquired the knowledge to better identify various types of information, learned how requests under the *Access to Information Act* and the *Privacy Act* are handled, and learned about their responsibilities throughout the process. A total of 689 participants completed the online training in fiscal year 2017–2018.

Moreover, the ATIP Division delivered 11 in-class training sessions on section 107 of the *Customs Act*, as well as basic information-sharing, disclosure of intelligence-related information, and business line-specific training sessions to 238 employees in the NCR and across the regions. In addition, before attending the in-class training, employees are advised to complete the interactive online training course, regarding information sharing that was developed by the ATIP Division.

Further, the ATIP Division developed a communications plan to raise employees’ awareness of their obligations under the *Privacy Act*. The plan leverages key dates, such as Data Privacy Day, and other activities at the CBSA to promote ATIP tools, resources, and awareness.

Finally, the ATIP Division continues to actively participate in the TBS-led ATIP coordinators’ and ATIP practitioners’ meetings. These meetings provide opportunities for ATIP employees from the CBSA to liaise with employees from other institutions to discuss various issues and challenges that have been identified by the ATIP community.

III. New and Revised Privacy-related Policies and Procedures

During fiscal year 2017–2018, the CBSA continued to revise existing policies and to develop new ones.

The ATIP Division has taken a number of measures to enhance and promote ATIP tools that are readily accessible to CBSA employees by utilizing Apollo (GCDocs). To this end, we are able to ensure that the ATIP intranet site is up to date and available to all CBSA employees. This allows the ATIP Division to quickly share information and best practices and to facilitate collaboration across the Agency.

During the reporting period, the Policy and Governance Unit developed an ATIP Handbook. This handbook is designed to help ATIP employees in their day to day work. It includes reference material and provides clear guidance on CBSA policy and procedures which can be easily referenced. The first issue of the Handbook focused on the Administrative section of the ATIP Division. The second issue, currently underway, will focus on the day to day work of the Case Management units. The Handbook will remain an evergreen document subject to updates and revisions.

Additionally, the policies and procedures surrounding the processing of privacy breaches were reviewed and updated. This includes a new tool to determine the severity of the breach as well as reporting procedures and reference material.

The CBSA has also been participating in the Department of Justice working groups looking at updating the *Privacy Act*. Some of the factors that are being examined by the *Privacy Act* Renewal working groups are the changes to the Privacy landscape over the years, including Canadian jurisprudence, best international practices, technology, the pace of technological changes, and today's operational realities. The CBSA will continue to participate in the *Privacy Act* Renewal working groups.

The ATIP Division continued to provide the service of informally reviewing CBSA records for internal programs as if they had been requested under the *Privacy Act*. The ATIP Division received 84 internal requests of this nature in fiscal year 2017–2018.

The ATIP Division closely monitors the time it takes to process privacy requests. Monthly reports, which show trends and performance, are submitted to the managers of the Case Management units, the Director of the ATIP Division, and the Director General of the Corporate Secretariat. Monthly reports consisting of statistics on the performance of the offices of primary interest are also distributed to all ATIP liaison officers. Finally, quarterly trend reports portraying the overall performance of the Agency are reviewed and discussed during meetings of the Agency's Executive Committee⁵ and are included in the Agency Performance Summary.

IV. Reading Room

The CBSA, in accordance with the *Privacy Act*, maintains a reading room for applicants who wish to review material in person at the CBSA. Applicants may access the reading room by contacting the CBSA's ATIP Director by telephone at 343-291-7021 or by sending an email to ATIP-AIPRP@cbsa-asfc.gc.ca. The reading room is located at:

Place Vanier Complex, 14th Floor, Tower A
333 North River Road
Ottawa, Ontario K1A 0L8

⁵ The Executive Committee (EC) is the CBSA's senior management decision-making forum responsible for the overall strategic management and direction of the Agency's policy, program, and corporate responsibilities. Membership on the EC is as follows: President, Executive VP, VPs, Associate VPs, Senior General Counsel, Director General of Internal Audit and Program Evaluation, and Director General of the Corporate Secretariat.

V. Audits of, and Investigations into the Privacy Practices of the Canada Border Services Agency

In 2017–2018, the CBSA underwent an audit by the Office of the Privacy Commissioner of Canada (OPC) concerning the national security reporting activities at the National Targeting Centre. The audit was completed in the fall of 2017 and the recommendations are as follows:

Recommendation	Management Response
<p>The CBSA should ensure that only the personal information which is directly related to and demonstrably necessary for the purposes of administering the Scenario-Based Targeting (SBT) program is collected and retained by the National Targeting Center (NTC) and Border Services Officers.</p> <p>The CBSA should document the steps it takes to ensure that personal information used by the SBT program is as accurate, up-to-date and complete as possible.</p>	<p>Agreed. Based on the Office of the Privacy Commissioner observations and the Agency's commitment to maintain the highest regard for the privacy of personal information, we will review and modify, as required, internal procedures and related training courses to confirm that only information related to and demonstrably necessary for the program is collected and retained. This update will include a description of the steps to be taken to confirm that the information used is as accurate, up-to-date and complete as possible.</p> <p>As part of the Agency's commitment to the protection of personal information, the CBSA NTC has proactively ceased the notation of Canada Revenue Agency transitory information within NTC records as of May 29, 2017.</p>
<p>The CBSA should revise its Memorandum of Understandings (MOU) with domestic and international partners to ensure they contain specific provisions to limit retention and use of data that is obtained from the CBSA for purposes of database checks. Such provisions should mitigate against any ongoing suspicion of people who have been determined to not pose a threat to national security.</p>	<p>Agreed. The CBSA is already engaged with key domestic partners at differing stages regarding MOU development, and every document will be vetted specifically during the drafting or revision process to ensure the appropriate safeguards are incorporated. Similarly, international partners will be engaged where necessary, to enhance provisions within existing treaties and MOUs to limit the retention and use of data from the CBSA. The CBSA is committed to ensuring that all future international treaties and MOUs include such provisions. As an interim step, the CBSA will undertake an internal scan of key MOUs.</p> <p>It is the CBSA's current practice, as agreements or arrangements are implemented or renewed, to ensure these documents include appropriate privacy protections such as caveats warning against onward disclosure, an obligation to correct</p>

	<p>information, and to report any privacy breaches involving specific information to the entity that provided the information so that appropriate remedies can be applied. Other provisions may include auditing arrangements between the participants in an arrangement or parties to an agreement.</p>
<p>The CBSA should formally review individual national security scenarios for privacy, human rights and civil liberties impacts prior to launch and on an ongoing basis. Decisions made to modify or delete scenarios on the basis of such reviews should be documented.</p>	<p>Agreed. The CBSA will review individual national security scenarios for privacy, human rights and civil liberties impacts prior to launch and on an ongoing basis. All modifications will be documented.</p> <p>It is the practice of the CBSA Scenario Management Committee to conduct monthly reviews of scenarios for effectiveness, lawfulness and all modifications and deletions are documented. To date, the CBSA has not identified violations of privacy, human rights and civil liberties within national security based targeting rules.</p> <p>Privacy impacts will be addressed within the Air Passenger Targeting Privacy Impact Assessment.</p>
<p>The CBSA should continue its efforts to refine existing processes for review and modification of national security scenarios to ensure scenario factors are carefully tailored to limit the collection of personal information, minimize intrusiveness and ensure proportionality.</p> <p>The criteria for measuring the success of national security scenarios should include some measurement that specifically align to national security related outcomes and be based on the ultimate outcome of the target, rather than on interim results.</p>	<p>Agreed. The CBSA will continue to review and refine national security scenarios in order to limit the collection of personal information, minimized intrusiveness and ensure proportionality.</p> <p>CBSA's risk assessment is an incremental and multi-layered process, which begins with an initial risk assessment of all arriving commercial air passengers. The extent of personal information collected during this process increases at each step and is proportionate to our need to detect and prevent terrorism or serious transnational crimes. SBT is a method that is minimally invasive in terms of privacy impacts, which allows the CBSA to achieve its national security and public safety mandate.</p> <p>SBT ensures that only a finite number of travellers are selected for further risk assessment and of</p>

	<p>those, only a limited number are referred for further examination at a port of entry.</p> <p>In 2016-17, of the approximate 29 million travellers who arrived in Canada by commercial air carrier:</p> <ul style="list-style-type: none"> • Approximately 60,000 or 0.2% of travellers matched a national security SBT rule; • Of the 60,000 travellers, 552 were identified for further examination at a port of entry based on risk assessments by an NTC targeting officer, which represents 0.002% of the 29 million travellers. <p>The CBSA does not keep an active record of all persons who matched a SBT rule and were subsequently deemed to be of low risk. The CBSA only retains a record of those individuals for whom a request for examination at the port of entry was issued. This record is retained for an activation period of seven days, is subsequently deactivated for access by all frontline personnel and is retained only for the purposes of file management, recording of examination results, and risk determination.</p> <p>In regards to measuring success, the targeting program reports on both direct and indirect results achieved in the conduct of an examination at the Port of Entry.</p> <p>All examination reports are reviewed for results from a customs, immigration, and intelligence perspective. Analysis of these results enables the CBSA to continuously modify and/or delete national security SBT rules to further improve results and further facilitate entry of low risk travellers.</p> <p>Going forward, the CBSA will continue to capture both indirect and direct results of all referrals and examinations, including measures which are aligned to national security related outcomes.</p>
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VI. Privacy Impact Assessments

In fiscal year 2017–2018, the CBSA completed four Privacy Impact Assessments (PIA). They were all sent to the OPC and TBS for review and comments.

The four PIAs completed by the CBSA are:

- Enhanced Driver's Licence / Enhanced Identification Card
- Asia-Pacific Economic Cooperation Business Travel Card
- CBSA-CISC Information Sharing Framework; and
- Wireless Handheld Initiative (Mobile IPIL).

The [full executive summaries of these PIAs](#) can be found on the CBSA's website.

Enhanced Driver's License / Enhanced Identification Card

This is an addendum to the PIA submitted in December 2008 entitled Enhanced Driver's License (EDL) and Enhanced Identification Card Program – Use of EDL data by the CBSA, which is a collaborative program between the CBSA and three participating provinces: Ontario, Manitoba, and British Columbia. These provinces earlier agreed to make available enhanced documents (such as a Driver's License or an Identification Card) that meets the requirements of the Western Hemisphere Travel Initiative, allowing Canadian citizens to use the identification to facilitate land or water travel between Canada and the United States (U.S.).

Personal information is collected by the provinces and provided to the CBSA to enable query access by U.S. Customs and Border Protection in the event that a Canadian presents their card as identification at a land/water POE. The CBSA has undertaken the policy and technology work to permit Border Services Officers (BSO) to have access to the CBSA's EDL database and equipped select POEs with Radio Frequency Identification (RFID) abilities to read the card. POEs that are not RFID-enabled will still be able to scan/swipe the cards and access the CBSA database.

Asia-Pacific Economic Cooperation Business Travel Card

The Asia-Pacific Economic Cooperation (APEC) Business Travel Card (ABTC) scheme was created in the late 1990s to respond to demands of the regional business community for simpler short-term entry procedures within APEC. For fully participating economies, the ABTC provides frequent business travellers with visa-free travel, multiple short-term entries into participating APEC economies, and expedited airport processing.

The ABTC scheme is comprised of 19 fully participating countries or economies: Australia, Brunei Darussalam, Chile, China, Hong Kong, Indonesia, Japan, South Korea, Malaysia, Mexico, New Zealand, Papua New Guinea, Peru, the Philippines, Russia, Singapore, Chinese Taipei, Thailand, and Vietnam. Canada and the U.S. are considered transitional members.

For the domestic pilot project, the CBSA obtains consent from applicants and members for collecting, using, and sharing of customs/personal information pursuant to the Certification and Consent Statement in the application package that an applicant will need to agree to before proceeding with the application, as well as a Privacy Statement in the application package that explains the authorities for the collection, use, and disclosure of personal information. It also includes an attestation that the applicant is a bona fide business person.

CBSA – CISC Information Sharing Framework

The primary function of the Criminal Intelligence Service of Canada (CISC) is to facilitate the timely production and exchange of criminal intelligence information to the law enforcement community at the municipal, provincial, and federal levels. Police agencies use the information stored in a criminal intelligence databank to support the detection, prevention, and disruption of serious and organized crime in Canada.

Through a partnership with CISC, the CBSA will disclose publicly available court records related to customs and immigration offences into CISC's criminal intelligence data bank when there are reasonable grounds to believe the offence has a nexus to serious or organized crime. Police partners will be able to search this information to support specific lawful investigations. Partners may also request additional information related to the publicly available court records through the standard written request process detailed in both the *Privacy Act* and the *Customs Act*.

The CBSA's investigative bodies will collect personal information uploaded into the data bank to support ongoing lawful investigations of customs and immigration-related offences with a nexus to serious and organized crime.

Wireless Handheld Initiative (Mobile IPIL)

Wireless handheld devices will be introduced to support the Entry/Exit Initiative and Beyond the Border Action Plan. The devices will be equipped with a mobile version of the Integrated Primary Inspection Line application to facilitate the secure and accurate capture and risk assessment of individual traveller and conveyance information. The devices will be deployed at CBSA service points which are not equipped with primary inspection booths.

The introduction of handheld devices during primary processing will allow a Border Services Officer (BSO) to capture and risk assess conveyance and traveller information while remaining with the traveller, just as they would today if they were working at a site with primary inspection booths.

While the mobile device introduces a new means for capturing traveller and conveyance information, the type of data collected remains unchanged. The handheld is a tool used by the BSO to collect information directly from the traveller and verify it against information that is already held within CBSA information holdings.

Disclosures Made Pursuant to Paragraph 8(2)(e) of the *Privacy Act*

During the 2017–2018 fiscal year, 848 disclosures pursuant to paragraph 8(2)(e) of the *Privacy Act* were made by the CBSA.

Disclosures Made Pursuant to Paragraph 8(2)(m) of the *Privacy Act*

During the 2017–2018 fiscal year, the CBSA made one disclosure related to immigration removals pursuant to paragraph 8(2)(m) of the *Privacy Act*.

It is in the public interest to demonstrate that the CBSA is carrying out its mandate. This disclosure served to demonstrate that the objectives and integrity of the immigration system and the protection of the health and safety of Canadians were being maintained. The balance between the public's need to know and protection of an individual's privacy is of utmost concern to the CBSA. In this case, it was determined that public interest in the disclosure of this individual's removal status outweighed any injury to the individual.

The OPC was notified before the disclosure was made.

Delegation Order

See Annex A for a signed copy of the delegation order.

Chapter Two: Statistical Report

Statistical Report on the *Privacy Act*

See Annex B for the CBSA's statistical report on the *Privacy Act*.

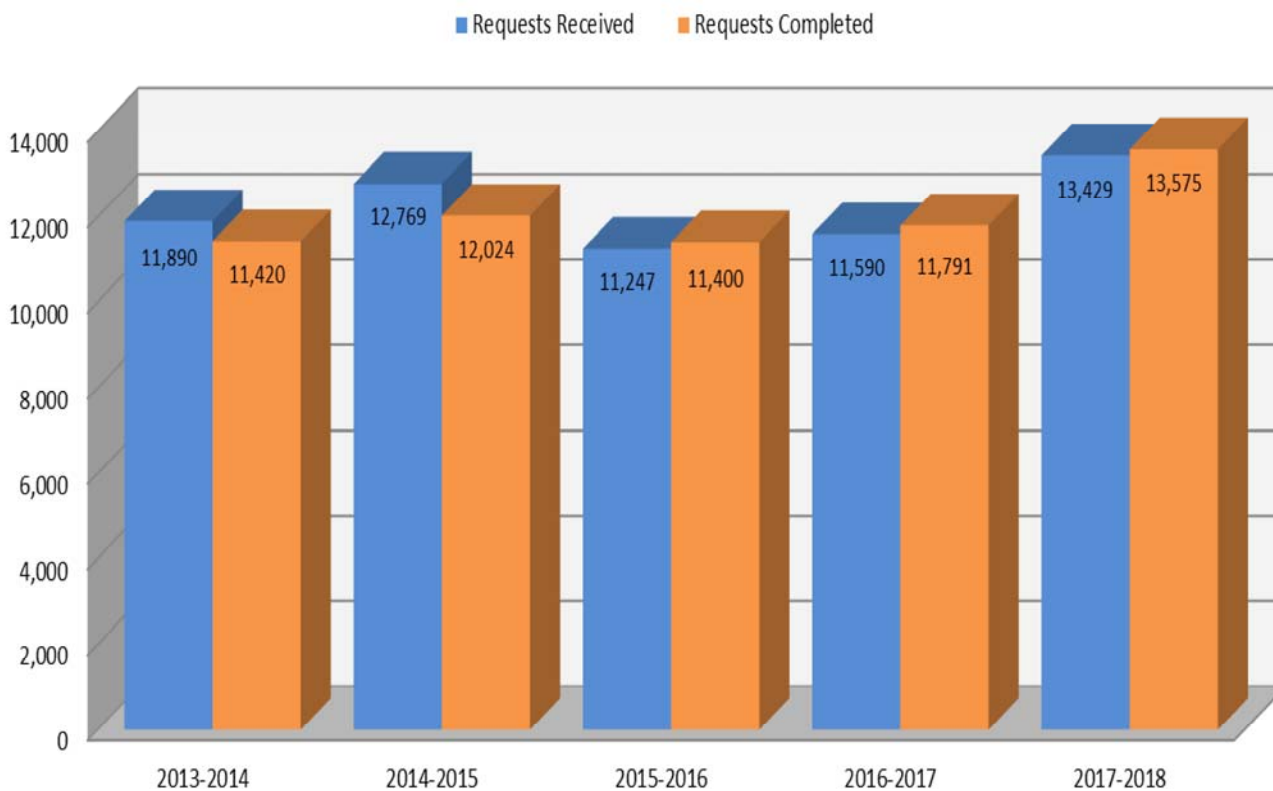
Interpretation of the Statistical Report

I. Requests Processed Under the *Privacy Act*

The CBSA received 13,429 privacy requests in fiscal year 2017–2018, which was an increase of 15.9% over the previous year. Moreover, the CBSA responded to 13,575 *Privacy Act* requests, representing 89.7% of the total number of requests received and outstanding from the previous reporting period.

For the past five years, the CBSA has consistently been among the top government departments in terms of workload. While receiving a substantial number of requests each year, the CBSA has been able to maintain and improve upon its performance in a year which has seen its greatest number of requests ever received.

Privacy Requests Received/Completed



II. Outstanding Requests from Previous Years

During this reporting period, the CBSA built on the positive steps taken last year and was able to close more files than it received. Of the 1,555 requests carried over to fiscal year 2018–2019, 1,384 were on time and 171 were late.

III. Completion Time

Of all the requests completed, the CBSA was successful in responding to 90.8% within the legislated timelines, an increase from the 89.7% achieved last fiscal year.

In total, 1,503 extensions were applied for in fiscal year 2017–2018. This represents an increase of 65% in extensions in comparison to the previous fiscal year. This is reflective of the increased volume of requests received, which has made it more challenging for the Agency to process files within the 30 day legislated time frame.

IV. Complaints and Investigations

Subsection 29(1) of the *Privacy Act* describes how the OPC receives and investigates complaints from individuals regarding their personal information held by a government institution. Examples of complaints the OPC may choose to investigate include a refusal of access to personal information; an allegation that personal information about an individual that is held by a government institution has been misused or wrongfully disclosed; or failure to provide access to personal information in the official language requested by the individual.

Throughout fiscal year 2017–2018, 35 *Privacy Act* complaints were filed against the CBSA, which represents a decrease of 53% compared to fiscal year 2016–2017. This marks the second year in a row that the number of complaints received decreased substantially. The reason most cited for complaints was a delay in responding to requests. The complaints received during the fiscal year were related to the following issues: time delay (16); refusal to disclose (9); application of exemptions (8); collection (1); and miscellaneous (1). For context, the number of complaints filed relate to only 0.24% of the 13,575 privacy requests completed during this period.

Of the 40 complaints resolved in fiscal year 2017–2018, 35 were deemed well-founded, two were deemed not well-founded, two were settled, and one was discontinued. Where complaints are substantiated, the matter is reviewed by the delegated managers and processes are adjusted if required.

V. Privacy Breaches

One material privacy breach was reported during the 2017–2018 fiscal year. The breach involved unauthorized disclosure of information by an employee of the CBSA to two individuals outside of the Agency. The CBSA holds its employees to a high standard and expects them to carry out their duties with respect, integrity and professionalism. In this case, the matter was investigated and the employee's network access was revoked.

VI. Conclusion

The achievements portrayed in this report reflect the CBSA's commitment to ensuring that every reasonable effort is made to meet its obligations under the *Privacy Act*. The CBSA strives to provide

Canadians with their personal information to which they have a right in a timely and helpful manner while protecting the privacy rights of all Canadians.

Annex A – Delegation Order

Ministerial Order
Access to Information Act & Privacy Act (ATIP)

Pursuant to section 73 of the *Access to Information Act*¹ and section 73 of the *Privacy Act*², I hereby designate the persons holding the positions set out in the schedule hereto, or a person authorized to exercise the powers or perform the duties and functions of that position, to exercise or perform the powers, duties and functions of the Minister of Public Safety and Emergency Preparedness as the head of the Canada Border Services Agency under the provisions of the Act and related regulations set out in the schedule opposite each position.

This Order replaces previous designation orders and comes into force on the date on which it is signed.

Dated at Ottawa, Province of Ontario, this 15th day of February, 2017.



The Honourable Ralph Goodale, P.C., M.P.
Minister of Public Safety and Emergency Preparedness

¹ R.S.C., 1985, c. A-1

² R.S.C., 1985, c. P-21

Schedule
Ministerial Order under the *Access to Information Act* & the *Privacy Act*

Positions	<i>Access to Information Act</i> and Regulations	<i>Privacy Act</i> and Regulations
President	Full authority	Full authority
Executive Vice-President	Full authority	Full authority
Vice-President, Corporate Affairs Branch	Full authority	Full authority
Director General, Corporate Secretariat	Full authority	Full authority
Director, ATI Privacy Division	Full authority	Full authority
Assistant Director, ATI Privacy Division	Full authority	Full authority (except 8(2)(m))
Team Leader, ATI Privacy Division	Full authority	Full authority (except 8(2)(m))

Annex B – Statistical Report

Statistical Report on the *Privacy Act*

Name of institution: Canada Border Services Agency

Reporting period: 2017-04-01 to 2018-03-31

Part 1: Requests Under the *Privacy Act*

	Number of Requests
Received during reporting period	13,429
Outstanding from previous reporting period	1,701
Total	15,130
Closed during reporting period	13,575
Carried over to next reporting period	1,555

Part 2: Requests Closed During the Reporting Period

2.1 Disposition and completion time

Disposition of Requests	Completion Time							Total
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	
All disclosed	32	6,872	2,106	63	9	4	0	9,086
Disclosed in part	14	1,185	960	371	67	112	182	2,891
All exempted	0	5	4	1	0	0	0	10
All excluded	0	0	0	0	0	0	0	0
No records exist	8	281	114	19	4	2	1	429
Request abandoned	499	549	45	3	1	0	62	1,159
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	553	8,892	3,229	457	81	118	245	13,575

2.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
18(2)	0	22(1)(a)(i)	19	23(a)	1
19(1)(a)	660	22(1)(a)(ii)	9	23(b)	0
19(1)(b)	50	22(1)(a)(iii)	2	24(a)	0
19(1)(c)	52	22(1)(b)	1,413	24(b)	0
19(1)(d)	127	22(1)(c)	44	25	1
19(1)(e)	0	22(2)	0	26	2,725
19(1)(f)	0	22.1	0	27	216
20	1	22.2	0	28	3
21	803	22.3	0		

2.3 Exclusions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
69(1)(a)	0	70(1)	0	70(1)(d)	0
69(1)(b)	0	70(1)(a)	0	70(1)(e)	0
69.1	0	70(1)(b)	0	70(1)(f)	0
		70(1)(c)	0	70.1	0

2.4 Format of information released

Disposition	Paper	Electronic	Other formats
All disclosed	9,018	68	0
Disclosed in part	1,634	1,257	0
Total	10,652	1,325	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Disposition of Requests	Number of Pages Processed	Number of Pages Disclosed	Number of Requests
All disclosed	36,341	36,341	9,086
Disclosed in part	634,939	418,773	2,891
All exempted	697	0	10
All excluded	0	0	0
Request abandoned	12,254	520	1,159
Neither confirmed nor denied	0	0	0
Total	684,231	455,634	13,146

2.5.2 Relevant pages processed and disclosed by size of requests

Disposition	Less Than 100 Pages Processed		101–500 Pages Processed		501–1000 Pages Processed		1001–5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
All disclosed	9,054	32,021	15	2,610	17	1,710	0	0	0	0
Disclosed in part	1,731	22,221	753	139,972	280	132,624	126	123,824	1	132
All exempted	8	0	2	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	1,147	13	6	0	2	507	4	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	11,940	54,255	776	142,582	299	134,841	130	123,824	1	132

2.5.3 Other complexities

Disposition	Consultation Required	Legal Advice Sought	Interwoven Information	Other	Total
All disclosed	3	0	0	0	3
Disclosed in part	325	0	2,725	0	3,050
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	35	0	0	0	35
Neither confirmed nor denied	0	0	0	0	0
Total	363	0	2,725	0	3,088

2.6 Deemed refusals

2.6.1 Reasons for not meeting statutory deadline

Number of Requests Closed Past the Statutory Deadline	Principal Reason			
	Workload	External Consultation	Internal Consultation	Other
1,247	1,247	0	0	0

2.6.2 Number of days past deadline

Number of Days Past Deadline	Number of Requests Past Deadline Where No Extension Was Taken	Number of Requests Past Deadline Where An Extension Was Taken	Total
1 to 15 days	307	123	430
16 to 30 days	37	44	81
31 to 60 days	47	73	120
61 to 120 days	49	77	126
121 to 180 days	41	61	102
181 to 365 days	57	79	136
More than 365 days	113	139	252
Total	651	596	1,247

2.7 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	0	0	0

Part 3: Disclosures Under Subsections 8(2) and 8(5)

Paragraph 8(2)(e)	Paragraph 8(2)(m)	Subsection 8(5)	Total
848	1	1	850

Part 4: Requests for Correction of Personal Information and Notations

Disposition for Correction Requests Received	Number
Notations attached	38
Requests for correction accepted	7
Total	45

Part 5: Extensions

5.1 Reasons for extensions and disposition of requests

Disposition of Requests Where an Extension Was Taken	15(a)(i) Interference With Operations	15(a)(ii) Consultation		15(b) Translation or Conversion
		Section 70	Other	
All disclosed	305	0	2	0
Disclosed in part	1,037	0	56	0
All exempted	2	0	1	0
All excluded	0	0	0	0
No records exist	51	0	0	0
Request abandoned	47	0	2	0
Total	1,442	0	61	0

5.2 Length of extensions

Length of Extensions	15(a)(i) Interference with operations	15(a)(ii) Consultation		15(b) Translation purposes
		Section 70	Other	
1 to 15 days	0	0	0	0
16 to 30 days	1,442	0	61	0
Total	1,442	0	61	0

Part 6: Consultations Received From Other Institutions and Organizations

6.1 Consultations received from other Government of Canada institutions and other organizations

Consultations	Other Government of Canada Institutions	Number of Pages to Review	Other Organizations	Number of Pages to Review
Received during the reporting period	55	61,322	0	0
Outstanding from the previous reporting period	8	817	0	0
Total	63	62,139	0	0
Closed during the reporting period	58	30,980	0	0
Pending at the end of the reporting period	5	31,159	0	0

6.2 Recommendations and completion time for consultations received from other Government of Canada institutions

Recommendation	Number of Days Required to Complete Consultation Requests							
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	Total
All disclosed	13	2	4	1	0	2	0	22
Disclosed in part	7	11	3	3	0	1	0	25
All exempted	0	3	1	2	1	2	0	9
All excluded	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	2	0	0	0	0	0	0	2
Total	22	16	8	6	1	5	0	58

6.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of days required to complete consultation requests							
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	Total
All disclosed	0	0	0	0	0	0	0	0
Disclosed in part	0	0	0	0	0	0	0	0
All exempted	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

Part 7: Completion Time of Consultations on Cabinet Confidences

7.1 Requests with Legal Services

Number of Days	Fewer Than 100 Pages Processed		101–500 Pages Processed		501–1000 Pages Processed		1001–5000 Pages Processed		More than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

7.2 Requests with Privy Council Office

Number of Days	Fewer Than 100 Pages Processed		101–500 Pages Processed		501–1000 Pages Processed		1001–5000 Pages Processed		More than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

Part 8: Complaints and Investigations Notices Received

Section 31	Section 33	Section 35	Court action	Total
35	0	35	0	70

Part 9: Privacy Impact Assessments (PIAs)

Number of PIAs completed	4
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Part 10: Resources Related to the *Privacy Act*

10.1 Costs

Expenditures		Amount
Salaries		\$3,176,046
Overtime		\$73,284
Goods and Services		\$257,092
• Professional services contracts	\$0	
• Other	\$257,092	
Total		\$3,506,422

10.2 Human Resources

Resources	Person Years Dedicated to Privacy Activities
Full-time employees	43.02
Part-time and casual employees	4.28
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
Total	47.30